

1986

Committee Reports

Wyoming State Bar

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University of Wyoming

College of Law

LAND AND WATER LAW REVIEW

VOLUME XXI

1986

NUMBER 1

Committee Reports

Report of Advisory Committee to Cooperate With the ABA

The Advisory Committee to Cooperate with the American Bar Association exists under the appointment of the President of the Wyoming State Bar for three-year terms. Despite previous recommendations of the Committee that it be dissolved and any activities that may occur in the future assigned to an ad hoc committee, the committee remains in full force and effect.

During the course of the past year, the Committee has received no assignments of projects involving cooperation between the Wyoming State Bar and the American Bar Association. As a consequence, there are no activities upon which this Committee can report. The Committee remains available, however, to accept any and all assignments as may be made to it by the officers and commissioners of the bar.

Respectfully submitted,
R. STANLEY LOWE
Chairman

Report of Committee on Resolution of Fee Disputes

Within the last year seven applications for the arbitration of fee disputes were filed with the Committee. Of that number, four were dismissed after it was determined that the Committee did not have jurisdiction over the cases. One case was settled during the preliminary investigation stage. Two cases this year went to arbitration: one with a three member arbitration panel (cases involving more than \$1,000.00); and one with a one member arbitration panel (cases involving less than \$1,000.00).

Respectfully submitted,
DAN R. PRICE II
Chairman

Report of Committee on Wyoming Courts

Once again, our Committee is indebted to Court Coordinator Robert L. Duncan for sharing with us a summary of the bills dealing with the courts passed in the 1985 legislative session.

The following bills are of particular interest because of their impact upon the courts of Wyoming and their operations:

S.F. 134 *Crime Victims Compensation Act*

This bill created a victims of crime compensation commission and defined powers and duties. It provided a system and procedures for compensation of victims and their dependents. A surcharge of \$25 for all felonies will be made by all district courts; a surcharge of \$15.00 for any misdemeanor for which the maximum penalty exceeds six months imprisonment, a fine of \$750.00, or both, will be made by county courts and some district courts. This would be in addition to any fine or other penalty where a defendant pleads guilty or is convicted.

S.F. 50 *Title 7 Revisions (criminal procedure)*

New section, W.S. 7-8-107(a) which, like all Title 7 revisions, is effective July 1, 1986. Under this change, justices of the peace will be able to issue warrants or summons in criminal cases in accordance with court rules and such warrants for summons may be executed or served at any place within the state. However, W.S. 5-4-107 provided that jurisdiction of justices of the peace is limited to county, except for W.S. 7-8-107(a) when it becomes effective.

H.B. 76 *Jury trial costs*

This law allows a court, in civil cases that are settled too late for the jury panel to be contacted, to require any or all parties to reimburse the proper fund for jury fees and mileage paid to jurors and bailiffs.

S.F. 47 *Municipal judges, et. al.—appointment and removal*

City Councils may pass ordinances to permit a hearing on an appeal from of a decision of a mayor to remove a municipal judge or other city officer.

S.F. 16 *Juvenile Court Act*

All cases involving minors of 17 or over, may be commenced either in juvenile courts, district courts, county courts or justices of the peace courts having jurisdiction. (Under old law, only specified crimes, i.e., murder, etc., were subject to discretion of prosecuting attorney).

H.B. 23 *County court jurisdiction*

County courts have *exclusive* civil jurisdiction to \$7,000.00.

S.F. 192 *County judges salaries*

Increased to \$46,500.00. Money available July 1, 1985, but increase in salary will not be effective until there is a new appointment or a new term commences, i.e., January 1, 1987.

S.F. 243A Administrative per se law

(A) Amends implied consent law to provide for 90 days suspension, if there is a .10 percent breathalyzer reading and six months suspension if there is a refusal to take test. It authorizes officer to take license at scene of arrest and issue 30 day temporary license.

(B) Authorizes hearing examiner to hear cases under Implied Consent Law. Previously the hearings were conducted by the county courts at scene of arrest and issue 30 day temporary license.

S.F. 226 Attachment and garnishment procedures

(A) New Section, W.S., 1-15-119(a) provides that the defendant shall be given notice of a hearing before garishment is effective and is entitled to a hearing five days after request is made. Questions arise as to who bears the cost of the certified mail and whether the sheriff may serve notice of the right to hearing in lieu of certified mail.

Note: Legislative Service Office will conduct interim studies and hearings on entire attachment and garnishment procedures statutes prior to 1986 Legislature.

H.B. 24 County court jurisdiction

The process of county court shall extend throughout the state.

Not all bills affecting the courts and their operations, however, passed during the last session as might be expected. Among those killed was an important bill, H.B. 59. The loss of that bill was most unfortunate, and hopefully it will be rejuvenated in subsequent legislative sessions. That bill would have renamed the present county courts circuit courts, permitted counties to combine for circuit courts, and provided for legislative review and approval for the creation of new circuit courts.

Also on the negative side was an unfortunate development concerning some budget requests for state funding of county courts for three new counties. Those counties that hoped to join the ranks of the majority of counties in having county courts were Teton, Washakie and Sublette Counties. That would have made 15 counties of our 23 with county courts.

The budget request for Teton County was killed in the House of Representatives, and the budget requests for both Washakie and Sublette Counties died in the Senate. The argument in denying county court systems for those three counties seemed to be based upon an allegation of "high costs" of the county court system.

That allegation is ironic indeed. The fact of the matter is, as everyone knows, revenues from county courts have consistently exceeded costs from the very inception of the system. The problem is that the fines and forfeitures derived from cases handled in the county courts go into the school funds rather than into the state general fund. If those who decry the "high cost" of the county court system are serious, perhaps they will do the obvious thing of tackling the hot political issues of diverting the

revenues generated by the county courts into the state treasury rather than using them to fund the school system. It has been reported several school districts do not even budget the income from fines and forfeitures because of the undependability of that kind of income. If this is so, then it is obvious the loss of those revenues would have no disastrous consequences to the overall financial planning of school districts.

During the course of the legislative session, the committee had no occasion to be overly active other than in the case of the legislation for increasing the salaries of county court judges. An effort was made to find support for changing the name of the county courts to circuit courts, but as noted previously this did not enjoy the same success as the effort regarding county judges' salaries. The salary issue, as will be readily recalled, has been one that has called for and been given the support of the Wyoming State Bar during the last two or three legislative sessions, and through sheer persistence we were able to win a reasonable degree of success despite the current poor economic conditions that have impacted adversely on the state's tax revenues. Hopefully, we can experience the same outcome in the next year's legislative session with respect to changing the name of the county courts and changing the method of creating new courts of limited jurisdiction.

The committee recommends that the members of the Wyoming State Bar once again reaffirm its commitment to the expansion of a modern statewide system of courts of limited jurisdiction now designated as county courts but with the added recommendation the name of the system be changed to negate the appearance of parochialism and to eliminate the confusion in the minds of some that these are just "county" courts and not courts constituting a part of a statewide judicial system. Accordingly, we recommend the adoption of the following resolution:

RESOLVED, that the Wyoming State Bar reaffirms its earlier endorsements of the county court system and its expansion statewide and urges that the system be implemented in the remaining 11 counties of the state, either through actions of the Boards of County Commissioners in conformity with existing law or by legislation expanding the system statewide and changing the name to more properly characterize the system as being part of the judicial system of the State of Wyoming.

Respectfully submitted,
R. STANLEY LOWE
Chairman

Report of the Continuing Legal Education Committee

The past year since the annual meeting of the Bar has been a busy one for the Committee. The CLE Committee of the Bar has been the primary sponsor or co-sponsor of the following CLE seminars throughout the State:

Water Law Seminar - October 1984 - Laramie
 Construction Law Seminar - May 1985 - Casper
 CLE at the WAM Convention - June 1985 - Rock Springs
 Estate Planning - June 1985 - Casper
 Fair Labor Standards Act - July 1985 - Casper

In addition, this committee, in conjunction with the Special Committee on Taxation, is planning a seminar on the proposed new tax code, to be held October 25-26 at the Law School in Laramie. (CSU will be playing UW in Laramie that Saturday.) Additionally, the Committee has been working with the Park County Bar Association regarding the possibility of a CLE seminar in the Big Horn Basin. Last, the Committee is also working with the Bar-sponsored Legal Services Developer Program to develop a seminar on legal problems affecting the elderly, which can be given at various locations throughout the State.

Respectfully submitted,
 J. N. MURDOCK
 Chairman

Report of the Grievance Committee

Since the last report of the Grievance Committee, the following cases have been filed, or cases already on file were disposed of as indicated:

<u>Docket No.</u>	<u>Disposition</u>	<u>Allegations of Misconduct</u>
39-83	Pending	DUI; unprofessional conduct towards Court and opposing lawyer.
71-83	Pending	Filing appeal; disruptive conduct and abusive remarks.
10-84	Dismissed	Guardianship/ violation of fiduciary relationship.
11-84	Dismissed	Civil Rights case; conflict of interest by defense lawyer.
12-84	Dismissed	Construction suit; inadequate preparation
14-84	Pending	Divorce matter, neglect
22-84	Dismissed	Custody case; inadequate representation
25-84	Pending	Employment termination; lawyer neglected representation.
33-84	Dismissed	Land dispute; neglect.
36-84	Dismissed	Criminal case; ineffective representation

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<u>Docket No.</u>	<u>Disposition</u>	<u>Allegations of Misconduct</u>
37-84	Pending	Foreclosure plus related matters; inadequate representation and improper personal involvement in case.
41-84	Dismissed	Domestic case; inadequate representation.
42-84	Dismissed	Bankruptcy case; improper actions by trustee.
43-84	Pending	Divorce; lawyer fraudulently obtained divorce before time to answer had expired.
45-84	Dismissed	Criminal case; excessive fees; commingling of funds; refusal to return documents.
46-84	Dismissed	Divorce; opposing party alleges lawyer's relationship with client prevented amicable settlement.
47-84	Pending	Civil suit; missed answer to request for admission.
48-84	Dismissed	Sheriff's sale; excessive fee.
50-84	Dismissed	Worker's compensation; inadequate representation; conflict of interest.
51-84	Dismissed	Criminal defense; excessive fee; neglect.
52-84	Pending	Divorce modification; lawyer paid fee and neglected client.
53-84	Dismissed	Bankruptcy; excessive fee; neglect; inadequate preparation.
54-84	Dismissed	Appellate proceeding; improper personal attack by opposing counsel in brief.
55-84	Dismissed	Improper diversion of mail in bankruptcy case.
56-84	Dismissed	Divorce; lawyer represented two clients with differing interests.
57-84	Dismissed	Breach of contract; inadequate representation; conflict of interest.
58-84	Dismissed	Escrow account in real estate deal; failure to competently prosecute client's complaint.
60-84	Dismissed	Child custody; excessive fees.
62-84	Admonishment	Divorce; neglect.

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<u>Docket No.</u>	<u>Disposition</u>	<u>Allegations of Misconduct</u>	
63-84	Pending	Promissory note; delay in notifying client of conflict of interest.	
64-84	Pending	Criminal case; prosecutorial misconduct.	
65-84	Dismissed	Criminal case; inadequate representation.	
66-84	Dismissed	Divorce case; dissatisfaction with lawyer's efforts.	
67-84	Dismissed	Criminal case; prosecutorial misconduct.	
68-84	Dismissed	Civil suit; lawyer wrongfully withheld paperwork.	
69-84	Dismissed	Divorce modification; lawyer failed to act as requested.	
70-84	Pending	Criminal case; violation of attorney/client relationship.	
71-84	Dismissed	Criminal case; ineffective representation.	
72-84	Dismissed	Criminal case; lawyer paid and results were not what client hoped for.	
73-84	Dismissed	Execution of judgment; improper actions in being with sheriff's office during execution of repossession.	
74-84	Dismissed	Enforcing zoning; conflict of interest.	
75-84	Dismissed	Civil rights suit; fee dispute.	
76-84	Dismissed	Bankruptcy; improper action by a debtor's attorney.	
77-84	Dismissed	Document preparation; excessive fee.	
78-84	Dismissed	Probate of estate; neglect.	
79-84	Dismissed	Child custody; harassment of opposing witness.	
80-84	Pending	Real estate contract; lawyer acquired proprietary interest in pending litigation and gave financial assistance to client.	
1-85	Pending	Divorce; neglect to perform legal service for client.	
2-85	Dismissed	Personal injury; disposition of settlement proceeds.	
3-85	Withdrawn	Criminal case; ineffective representation.	

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<u>Docket No.</u>	<u>Disposition</u>	<u>Allegations of Misconduct</u>
4-85	Dismissed	Divorce and child custody; opposing counsel ethically bound to withdraw.
5-85	Pending	Criminal case; prosecutorial misconduct.
6-85	Dismissed	Criminal case; prosecutorial misconduct.
7-85	Dismissed	Collection matter; improper withholding of documents.
8-85	Pending	Divorce; ex parte communication with court.
9-85	Pending	Criminal case; aiding unauthorized practice of law; prosecutorial misconduct.
10-85	Pending	Probate; neglect.
11-85	Dismissed	Criminal case; refusal to refund retainer per nonrefundable agreement after client changed mind on representation.
12-85	Pending	Criminal case; extrajudicial statements on merits of pending case.
13-85	Dismissed	Divorce; excessive fee.
14-85	Dismissed	Bankruptcy; neglect.
15-85	Dismissed	Partnership dissolution; inadequate representation.
16-85	Dismissed	Paternity case; settlement contrary to client's wishes.
17-85	Dismissed	Criminal Case; failure to adequately investigate and prosecute.
19-85	Dismissed	Commercial contract; inadequate representation.
20-85	Dismissed	Bankruptcy, neglect.
21-85	Dismissed	Personal injury; dispute over professional witness fee.
22-85	Pending	Bankruptcy; pro se citizen improperly treated by lawyer.
23-85	Dismissed	Criminal case; inadequate representation.
24-85	Dismissed	Domestic dispute; lawyer acted improperly with regard to brain damaged husband.
25-85	Pending	Divorce; improper communication with opposing attorney's client.

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<u>Docket No.</u>	<u>Disposition</u>	<u>Allegations of Misconduct</u>
26-85	Dismissed	Consumer dispute; lawyer wrote threatening letter to painter and repairman of his residence.
27-85	Dismissed	Failure to prosecute; county attorney did not prosecute police officer who hit prisoner.
28-85	Dismissed	Criminal case; ineffective representation.
29-85	Pending	Breach of contract; lawyer improperly purchased related judgment.
30-85	Pending	Criminal case; failure to appear at client's hearing.
33-85	Dismissed	Execution of judgment; improper actions of lawyer.
34-85	Pending	Collection matter; conflict of interest.
35-85	Pending	Criminal case; prosecutorial misconduct; aiding unauthorized practice of law.
36-85	Dismissed	Civil rights case; conflict of interest.

The following types of cases gave rise to the number of grievances indicated:

Criminal	20
General civil	19
Domestic relations	18
Bankruptcy	7
Civil rights	4
Probate	2
Appellate work	2
DUI	1
Worker's Compensation	1
Construction	1
Guardianship	1

The following allegations were raised in the following number:

Inadequate representation or preparation	20
Neglect	14
Excessive fees	9
Conflict of interest	8
Prosecutorial misconduct	8
Harrasment	4
Refusal to return documents	3

Breach of fiduciary relationship	2
Ex parte communications	2
Aiding the unauthorized practice of law	2
Expert witness fee dispute	1
Violation of attorney/client relationship	1
Failure to withdraw	1
Commingling funds	1
Extrajudicial statements	1
General allegations	12

Respectfully submitted,
RAYMOND B. HUNKINS
 Chairman

Report of the Governor's Probate Statute Study Committee

Through the diligent efforts of the members of the Committee, legislation was enacted this year which up-grades the provisions of the Wyoming Statutes which deal with Gardianships and Trusts.

The original task of the Committee has been fairly well accomplished after 8 years of hard work. However, it continues to study and recommend technical and corrective changes which are, and may be, needed in the Wyoming Probate Code of 1980.

The Committee welcomes suggestions and comments from the members of the Bar and others who are interested in these matters.

Respectfully submitted,
HOWELL S. MCDANIEL, JR.
 Chairman

Report of the Legal Aid Services Committee

This Committee consisting of Patricia M. Baird, Casper; M. L. Barton, Riverton; Elaine Bodurtha, Ft. Washakie; Curtis L. Harden, Casper; John Robert St. Clair, Ft. Washakie; and Robert A. Oakley, Cheyenne, met twice this past year.

Discussion was had on the issue of how to increase Legal Services in a meaningful way to the low-income population of the State of Wyoming. As federal funding has decreased since 1980, with inflation eating away at federal funds for Legal Aid, the three (3) Legal Services Corporation programs with a total of four (4) offices, serving our large rural state cannot meet the total demand of bona fide requests for legal services to poor persons. Accordingly, this Committee discussed the possibilities of how the need for provision of legal services to the poverty population could be met. Several methods were discussed, including but not limited to: ad-

ditional funding by interest on lawyers' trust accounts (IOLTA); filing fee add-on and a voluntary *pro bono* and/or monetary donation.

After discussions, the Committee decided the following Resolution could address the stated problem:

RESOLUTION

WHEREAS the Wyoming State Bar Association at its regular meeting in September 1973, (see *Land and Water Law Review*, 1974, Volume IX, Number 2 at page 284) by Resolution recognized the profession's responsibility to provide legal 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 Ft. Washakie, and

WHEREAS the staffed Legal Aid Programs have in the past four 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 25 of Canon 2 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 Association should participate on a voluntary basis in the delivery of professional legal services to the needy in Wyoming, and

THAT a reasonable level of participation is an annual donation of at least fifteen (15) hours professional services (20 minutes per week) or annual donation of \$300 to the appropriate staffed Legal Aid Program, and

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 accomplishment of the goals and objectives set forth therein.

If enacted and coordinated through the local Legal Services Offices, this method would provide those needed legal services in an organized manner assuring that the recipients of those services were in fact eligible pursuant to federal guidelines. In addition, if a sufficient amount of Wyoming lawyers volunteered their services, this may reduce the amount of time the individual lawyer now spends on *pro bono* work as such work

could be distributed in a fair and equitable manner. Accordingly, the Committee requests that a Motion be made to adopt the above suggested Resolution.

Respectfully submitted,
ROBERT A. OAKLEY
Chairman

Report of Legal Education Committee

The Legal Education Committee consists of C. M. "Steve" Aron, Laramie, Timothy O. Beppler, Evanston; Charles S. Chapin, Casper; Joseph R. Geraud, Laramie; Janet E. Millard, Riverton; R. Michael Mullikin, Jackson; and the undersigned as Chairman. In addition, Eric M. Alden, Wheatland, the Bar Commissioner assigned to our Committee has fully participated in our Committee's activities. The Committee held a one-day meeting on Wednesday, March 20, 1985, at the Law School in Laramie and a two-day meeting on Friday and Saturday, June 21 and 22, 1985, at the Hitching Post in Cheyenne. Committee members Alden, Aron, Chapin, Geraud, Hopper and Millard attended the March meeting and members Alden, Aron, Beppler, Chapin, Geraud, Hopper and Millard attended the June meeting. Dean Peter Maxfield participated in both meetings and various members of the Law School faculty met with the Committee during the March meeting.

We understand that Committee appointments are for three year terms. The only Committee member whose term expires in 1985 is Charles Chapin whom the Committee requests be considered for reappointment for an additional three year term.

It is anticipated that the Committee will have three meetings each year: at the Law School in the fall, the Law School in early spring; and a summer think session meeting at a location other than Laramie. We hope to hold the fall 1985 meeting at the same time the American Bar Association Inspection Team is visiting the Law School.

The Committee, initially formed in 1974, was ably chaired by Judge Joseph F. Maier. The Wyoming State Bar owes a debt of gratitude to Judge Maier for his dedicated leadership of the Committee over the last 10 years.

In an attempt to sharpen the focus of the committee, the committee recently adopted a Statement of Purpose as follows:

- A. To represent the State Bar in efforts to maintain a high quality of legal education at the University of Wyoming College of Law.
- B. To deliberate upon the following College of Law matters, and formulate in regard to them comments or recommendations for the Dean of the College of Law and for the State Bar:

- (1) Admission Policies;
- (2) Curriculum and Course Content;
- (3) Financial Support for College of Law Programs;
- (4) Long Range Planning.

C. To establish and maintain mechanisms by which law student comments concerning the subjects stated within this statement of purpose are received.

D. Within the scope of its purposes, to disseminate information to, and facilitate cooperative effort by and among members of the bar, law school faculty, and law school students.

At the meeting this year the Committee has focused on a variety of subjects including the following:

- (1) Faculty excellence;
- (2) Curriculum;
- (3) Student Placement;
- (4) Course content meetings between professors and bar members specializing in course subject;
- (5) Lawyer competence, ethics and malpractice;
- (6) Support of the Law School Enrichment Fund;
- (7) The need for research grants;
- (8) The promotion of a distinguished professorship;
- (9) The need for a separate full-time Law School administrator;
- (10) Greater interaction between faculty and members of the Bar;
- (11) A distinguished speakers program;
- (12) Invitations from faculty for lectures by practicing attorneys;
- (13) Integration of Bar and Law School publications;
- (14) Procedures for awarding scholarships;
- (15) Program to motivate law students to attend Bar functions;
- (16) Program to encourage local Bar Associations to invite faculty to speak on legal subjects;
- (17) Proposed mentor program; and
- (18) Program to expedite use of law library facilities by members of the Bar.

Respectfully submitted,
 GEORGE W. HOPPER
 Chairman

Report of State Board of Law Examiners of Wyoming

The State Board of Law Examiners consisting of James L. Applegate, Cheyenne; Thomas C. Toner, Sheridan; Ernest J. Goppert, Jr., Cody; Michael J. Sullivan, Casper; and William H. Vines, Wheatland, administered the bar examination on 26 and 27 February, 1985 in Laramie, Wyoming to 30 applicants. Twenty or 67% of those taking this exam passed. These people were subsequently recommended to the Wyoming Supreme Court for admission to the Bar.

On 30 and 31 of July 1985, also at Laramie, the Board examined 55 applicants on the Wyoming essay of whom 46 or 83.6% passed and examined 45 of those applicants on the multistate bar examination. No results have been received from the MBE test as yet and so no recommendations have been made to the Supreme Court for admission as to this group of applicants but we expect that our recommendation will be made to the Supreme Court before the end of August.

This past year there have been fewer applications for admission without examination based on our reciprocity rules. In March, 1985 the U.S. Supreme Court in the case of *New Hampshire vs. Piper*, No. 83-1466, 105 S.Ct. 1272, struck down the residency requirement for bar admissions. In considering the lack of control which might result from attorneys in nearby states making wholesale applications for Wyoming licenses to practice, the State Board of Law Examiners has recommended to the Wyoming Supreme Court that the procedure for admission to the Wyoming Bar without examination be deleted from our rules so that the only method of admission to the Wyoming Bar would be by examination. We do not believe that a deletion of the reciprocity rule (admission without examination) would have any significant adverse effect on Wyoming lawyers since many states, even prior to *Piper*, have not been admitting our lawyers to their jurisdictions without examination anyway and many more states are moving in this same direction as a result of *Piper*.

A Washakie County Bar Association Resolution suggesting an additional admittance requirement to the Bar of a one-year post-law school internship involving practical experience in law was also considered by the Board. Our recommendation to the Wyoming Supreme Court is that such an additional requirement should not be implemented. It was the feeling of the Board that if some practical experience internship requirement was utilized it should be done by an institutionalized program rather than the haphazard training which would exist if such training was directed by various individual established offices throughout Wyoming since it is quite likely that there would be a vast difference in the quality of internship provided the various graduates, depending upon the law office in which they might intern.

Respectfully submitted,
JAMES L. APPLGATE
President

Report of the University of Wyoming College of Law

SUMMARY

The College of Law is in a healthy, optimistic state, today probably more vital and diverse in its programs than ever before. Of course, as has been true since 1920 when it first opened its doors, it is constantly evolving and maturing. Now it is experiencing some maturation pains, pains of the sorts that any first-rate institution experiences periodically in the course of its development. The major segments of the College and its student activities are summarized below.

Starting with student profiles, then briefly describing faculty, curricular and co-curricular activities, library, College development, and concluding with a recent development, the following will hopefully provide some insights into the state of your law school, the University of Wyoming College of Law.

STUDENT PROFILE

There were fifty-five graduates from the College at the conclusion of the 1984-85 academic year. The normal graduating class is approximately sixty so there was a bit more attrition than normal in this group. Of these approximately forty percent have either failed to report back on their employment status or are as yet unemployed. Because the results on the bar examination are not known, firm commitments to a number of these people have not yet been made; also a number of them have opportunities but are investigating additional possibilities. The numbers, in any case, are normal for this time. The College is deeply appreciative of the confidence that bar members have in the College and the consequent interest in its graduates. We welcome suggestions for making more convenient the process and accessibility of our students to prospective employers.

As is the experience of most, if not all, law schools across the country, applications for admission to the College are down again for this year. Nevertheless, the College received 98 applications for 55 resident seats and 233 applications for 20 nonresident seats. The median G.P.A. for the incoming student this fall of 1985 is 3.2. The medium LSAT is 34 which places that student in the 66th percentile. Thirty-seven percent of this incoming class will be women. Since the GPA and LSAT figures are equal to or slightly higher than the figures last year, the decline in the number of applications has not affected appreciably the qualifications of the student body for law studies.

FACULTY

Of course, the quality of the experience of the law student and the extent of a law school's contribution to the practicing bar and the community it serves depends primarily on the quality of that school's faculty. Numbering sixteen, ours is an excellent one overall. The level of concern about teaching, the extent of activity in the lawyering skills area in-

cluding numerous successes in various inter-law school competitions, and the quality of the scholarship being pursued by the faculty including numerous books and articles on a wide array of legal subjects being researched and written, in press, and published are all evidence of the fact.

A disadvantage to having an excellent faculty is that other good schools desiring to improve will attempt to recruit away these people. Of course, these predations which reflect on quality of a faculty are occasionally rather frustrating. In any case, during this past academic year the College had a number of faculty on leave for a semester or a year as visiting professors at other institutions. Career-minded spouses and the State's two very difficult years economically explain much of this. However, large salary disparities between Wyoming and competitive law schools were reduced significantly during this last session of the Legislature and hopefully additionally during the next session. In any case the College lost only one person permanently between last year and this.

CURRICULAR AND CO-CURRICULAR

The perfect balance of traditional classroom courses and skills courses has not to my knowledge been determined yet. Ours, nevertheless, is at least a good balance. In addition to the traditional courses are the substantial writing requirements in the first year (three credit hours over the two semesters) coupled with the later seminar requirement, the trial and appellate practice courses, and the lawyering skills course all coupled with the various planning and clinical courses provide both a significant exposure to many of the skills which are required of the practicing lawyer and a context in which to fit the traditional courses. Our professional responsibility course which is now two credit hours covered in an organized, comprehensive fashion the ethics of the Profession which are also examined ad hoc in all of the College's courses. With the help of the Burlington Northern Foundation, we have added a substantial economics component to our regulated industries course, i.e. public utility law. Of course, we have the traditional cross-section of classroom courses found in the curricula of other good law schools.

During the 1984-85 academic year five teams of two to three students each participated in inter-college skills competitions., i.e. the regionals of the New York Bar Moot Court Competition, the regional A.B.A. Moot Court Competition, the regional A.B.A. Mock Trial Competition, the regional A.T.L.A. Mock Trial Competition, and the regional A.B.A. Client Counseling Competition. Though we did not win any of these competitions, our showing in each was good; over the years, of course, we have fared very well in these. Also we have students active in the A.B.A., both the law student division and as liaisons to the various sections of the A.B.A.

LIBRARY

Because of solid state support, the law library in the College of Law is developing rapidly both in its collection and in processing and circula-

tion. Our current acquisitions budget, which is as substantial as that of any school in the region, permits us to acquire most all new worthwhile materials as well as some older materials currently lacking in the collection. Also, the library is ahead of many, if not most, law schools in computerized cataloging. This has important implications for making the resources of the library available eventually to lawyers across the state. With the part-time assistance of a computer programmer, the library is developing a circulation system which will facilitate the process of making this state resource available to people in the state, particularly the lawyers.

COLLEGE DEVELOPMENT

With the help of the State Bar Legal Education Committee, other bar members and alums, and yet others who are friends of the College, the Enrichment Fund increased significantly this past year. These discretionary funds are critical to the College in supporting student and faculty travel to professional meetings, student participation in inter-law school skills competitions, speakers, and a whole range of other activities which simply would not be possible to the same extent or at all without this support.

The most important challenge for the College at present is the development of faculty support devices to obviate our "farm-team" problem by retaining our distinguished faculty and attracting outstanding new faculty to the College. The Legislature last session appropriated \$3.25 million to be used as a match for among other things private contributions for among other things distinguished professorships at the University. It is contemplated that these professorships would be named after their benefactors and probably awarded for a fixed period of years and then re-awarded. The income from professorship funds obtained for the College would supplement several salaried positions in the law school where there indeed are people of this caliber already on the faculty. Because of this incentive provided by the State, the opportunity for the College and the University for major and enduring enhancement in quality is unprecedented. The Bar Legal Education Committee will be assisting the College in planning and implementing its program over the coming months.

We have a growing number of scholarships, i.e. now some 60 averaging \$800 each. Some of these are endowed, examples of which are the Lloyd N. Hagood Scholarships with an endowment of \$200,000, the Alfred M. Pence Scholarship in the amount of \$15,000, and the Frank J. Trelease Scholarship in the amount of \$16,871.24. Examples of continuing scholarships are: the Frank P. Hill Scholarship in the amount of tuition funded by William U. Hill; the Phillip E. Flanagan Scholarships, the Paul Hultzky Scholarships, the Keller, McSwain, Wing and Maxfield Scholarships, the Nelson E. Tamplin Scholarships, funded in the amount of \$5,728 annually by Samuel E. Wing.

DEVELOPMENTS

The most gratifying development this year is the approval of the College of Law for a Chapter in the Order of the Coif. This event is significant because only some 67 of the 174 A.B.A. accredited law schools have chapters in the Order. Though this is long overdue, it indicates a level of substance, quality, and rigor at the College which is clearly not possessed by all.

The Fifth Annual Western Trial Advocacy Institute this past summer was the best yet. Under the direction of Justice Robert R. Rose, Jr., prominent top trial attorneys from around the country served as faculty. The participants numbering approximately one hundred were primarily from Wyoming; though approximately half were from other areas in the country. The Governor and the Wyoming State Bar again generously provided scholarship support. In addition, the State Bar supported the costs involved in the use of video equipment. Video tapes of portions of the program will be made available to the Bar for continuing legal education purposes. Planning is now underway for next year's program.

Respectfully submitted,
PETER C. MAXFIELD
Dean

Report of the Treasurer
Wyoming State Bar Expenses -
By Budget Classification

General and Administrative

	Budget Year Ended Sept. 30, 1985	Actual 9 Months Ended June 30, 1985	Over (Under) Budget
Expenses			
Salaries, payroll cost, insurance & bonding	\$ 61,250.00	\$ 44,923.49	\$ (16,326.51)
Travel and related expenses	25,500.00	17,809.22	(7,690.78)
Management & financial	1,575.00	1,275.00	(300.00)
Office space, equipment and supplies	26,195.00	18,555.71	(7,639.29)
Postage and express	6,500.00	5,301.04	(1,198.96)
Telephone	5,000.00	3,623.05	(1,376.95)
Regular Publications	30,000.00	28,119.92	(1,880.08)
Dues, fees subscriptions, publications purchased, gifts, donations, awards, and support	500.00	590.00	90.00
Grievance Committee	24,000.00	11,161.87	(12,838.13)
Fee Arbitration	2,000.00	566.64	(1,433.36)
Other WSB Committees	2,000.00	1,016.65	(983.35)
Meetings	1,000.00	223.55	(776.45)
Convention Expense	50,000.00	47,393.24	(2,606.76)
CLE-Special Committee	19,084.95	19,084.95	
Cash Reserve	18,000.00	6,597.21	(11,402.79)
	<u>\$253,520.00</u>	<u>\$206,241.54</u>	<u>\$ (47,278.46)</u>
Revenues:			
Annual fees	\$124,375.00	\$121,898.25	\$ (2,476.75)
Interest	15,000.00	20,382.06	5,382.06
Miscellaneous	14,000.00	7,576.92	(6,423.08)
Supervisory & bookkeeping fees	5,400.00	6,185.34	785.34
Continuing Legal Education	24,024.45	24,024.45	
Convention excess receipts	45,000.00	8,512.19	(36,487.81)
	<u>\$203,775.00</u>	<u>\$188,579.21</u>	<u>\$ (15,195.79)</u>
EXCESS OF REVENUES OVER EXPENSES (LOSS)	<u>\$ (17,662.33)</u>	<u>\$ (32,082.67)</u>	

**Wyoming State Bar
Balance Sheet**

June 30, 1985

Assets

Cash-Convention	\$ 3,736.43
Cash-CLE	2,046.67
Cash-IMMA	60,519.43
Cash-Savings	103,579.00
Cash-Liquid Capital Fund	92,249.14
Restricted Cash-Certificates of Deposit	51,026.95
Computer	11,055.25
	<u>\$ 324,212.87</u>

Liabilities and Fund Balance

Checks outstanding in excess of bank balance	<u>\$ 1,449.45</u>
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FUND BALANCES:

Unrestricted	\$274,750.98
Restricted	<u>48,012.44</u>
	<u>\$324,212.87</u>

Respectfully submitted,
GEORGE L. SIMONTON