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Minutes of Meeting Wyoming State Bar Board of Commissioners

Wyoming State Bar

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University of Wyoming

College of Law

LAND AND WATER LAW REVIEW

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Minutes of Meeting Wyoming State Bar Board of Commissioners

September 19, 1986

Riverton, Wyoming

The meeting of the Board was called to order by Mr. President William S. Bon at approximately 2:15 p.m. Also attending were David H. Carmichael, President-Elect; John M. Daly, Vice-President; Eric M. Alden, Secretary-Treasurer; and the following commissioners: Dennis Coll; Richard E. Day; Stan Sheehan; John B. Scott; Jerry Statkus; Richard M. Davis, representing Stuart Healy; and Timothy Beppler. Ms. Mary Beth Senkewicz, Executive Director, was also present.

Bill Bon indicated that he would like the Board to meet approximately every two months. After some discussion, it was agreed that after the November meeting, the second Friday of every month would be an appropriate meeting time. The next meeting of the Board was set for November 21, 1986, and was to be held in Casper. Thereafter, meetings of the Board are anticipated in January, March, May, and July of 1987.

Dave Carmichael updated the status of the lawsuits against the Wyoming State Bar. Mr. Carmichael related that the Wyoming State Bar had been sued by some California residents arising from an incident in Teton County, and that the basis of the lawsuit was that the Wyoming State Bar was engaged in some kind of conspiracy because it licensed people to practice law. Mr. Carmichael indicated that a motion to dismiss hearing was forthcoming and that the State Bar had hired a California attorney to represent it in this lawsuit.

Also, Mr. Carmichael related that the State Bar had hired the law firm of Dray, Madison and Thomson in Cheyenne to file an amicus brief on behalf of the Wyoming Supreme Court in the federal suit *Sommermeier v. Wyoming Supreme Court*. In that case, Mr. Sommermeier had sued the Wyoming Supreme Court because the Supreme Court had denied his application for admission without examination based on the fact that he was not a resident of the State of Wyoming. In response to a question,

Ms. Senkewicz indicated that both the Wyoming State Bar and the State Board of Law Examiners of Wyoming had requested, over one year ago, in response to *Piper v. New Hampshire* that the Wyoming Supreme Court eliminate admission without examination. However, the Court had failed to act on those requests.

The next item on the agenda was the search for a new Dean for the Law School. Mr. Bon indicated that he was on the Dean Search Committee, along with four law school professors, a political science professor from the University, and a representative from Potter Law Club. He indicated that if anyone had any suggestions regarding candidates from around the state to please let him know, and to encourage any qualified candidates to apply for the position.

The next item on the agenda was the microfiche proposal of a publishing company regarding the *Wyoming Lawyer*. Some individuals questioned as to who would want to purchase microfiche copies of the *Wyoming Lawyer*. Ms. Senkewicz was directed to make some inquiries of those bar journals that are already using the service and report back at the next meeting.

The next item on the agenda was the letter received from an individual writing on behalf of the Administrative Conference of the United States inquiring whether the Wyoming State Bar was interested regarding a clearinghouse of state administrative law developments. Board members opined that the presence or absence of Wyoming regarding this project could neither make nor break the project; nor did any Board member feel inclined to have the State Bar contribute monetarily to the project. Ms. Senkewicz was instructed to write an appropriate letter in response.

The next item on the agenda was the Michie Company. Ms. Senkewicz had received a letter from a member of our bar complaining about the length of time with which it took Michie to produce the new statutes. Also, the general problem of the lack of quality of the index was discussed. There was some talk about whether we should ask a Michie Company representative to come and speak to us regarding these problems. Ms. Senkewicz indicated that she did not know which agency had the contract with Michie to publish the statutes but suspected it was the LSO. Ms. Senkewicz was instructed to contact the agency responsible for the contract and determine what the contractual arrangements with Michie are, how much Michie is being paid pursuant to this agreement, and what, if any, alternatives were available regarding publication of the statutes.

The next item on the agenda was that of Committee appointments. The President pointed out that according to our bylaws, appointments to committees are made by the President with the advice and consent of the Board of Commissioners.

Mr. Bon first pointed out that the Committee to Cooperate with the American Bar Association and the American Law Institute was a committee established by the bylaws. Mr. Bon indicated that the Chairman of the Committee, Stan Lowe, had recommended for the last two years

that the Committee be abolished and that if such a Committee be necessary at any time, an ad hoc committee could be formed. Mr. Lowe had indicated that the Committee had not had anything to do for several years. Mr. John Scott moved, and Mr. Stan Sheehan seconded, to abolish the Committee to Cooperate with the ABA and ALI. After discussion, the motion carried.

With respect to the Bench Bar Relations Committee, Mr. Bon indicated that he had talked with Justice Brown who will be replacing Chief Justice Thomas on the Committee. However, Justice Brown agreed that he would not be the Chairman. Mr. Bon indicated that Judge Taylor would be reappointed and would be the new Chairman. He indicated Judge Huber would replace Judge Allen, George Zunker would replace Bill Bon; and he would expand the Committee by one to place Judge Alan Johnson on the Committee to represent the federal bench.

With respect to the Civil Jury Instructions Committee, Mr. Bon indicated that he would appoint Judge Hanscum, Jim Fitzgerald, Paul Hickey, Nick Murdock and Judge Hamm.

With respect to the Clients' Security Fund Committee, Mr. Bon indicated that he would appoint Steve Simonton as the new Chairman to replace Rob Shively. He also indicated that he would appoint Dick McCarty of Casper to the Seventh District position; Mike Davis to replace Tom Toner for the Fourth District position; Mike Warren of Torrington to replace Bill Vines for the Eighth District Position; and reappoint Travis Moffat for the Ninth District Position.

With respect to the Committee on Alcohol and Substance Abuse, Ms. Senkewicz indicated that in her opinion Jack Smith needed to be replaced. The name of Jack Stanfield was mentioned as an appointment to replace Mr. Smith.

With respect to the Committee on Resolution of Fee Disputes, Mr. Bon indicated that he would appoint Steve Graham to replace Don Jones; Bart Voigt for Louis Walrath; Tim Kirvin for Bill Omohundro; Max Osborn for James Applegate; Steve Brown for Jim Owens; Denny Meier for Bob Pfister; Ed Webster for Bill Rohrbach; Steve Sherard for John McBride; Bob Holstedt for Tom Wilson; and Bill Shelledy to appoint a member from Washakie County.

With respect to the Committee on Wyoming Courts, Mr. Bon indicated that he would have Mr. Lowe remain as Chairman and appoint the following members: Mike Krampner; Ross Copenhagen; John Rossetti; County Judge Bob Castor and District Judge Timothy Judson.

With respect to the Continuing Legal Education Committee, Mr. Bon indicated that he had spoken to Bill Downes who agreed to serve as Chairman. He would also appoint the following members of the Committee: Floyd King; Judy Studer; George Rudolph; Cal Ragsdale; and Tom Nicholas.

As an aside, Mr. Bon indicated that he planned to have 15 hours of continuing legal education credit available at next year's Convention for those who were interested.

With respect to the Insurance Committee, Mr. Bon indicated that he would maintain Mike Golden as Chairman, and replace Jim Applegate with Rhonda Woodard of Cheyenne, and replace Louis Walrath with Mike Mullikin of Jackson. The other members would remain, and he would add an additional slot for Tony Vehar.

With respect to the Legal Aid Services Committee, Mr. Bon indicated that he would replace Pat Baird with Linda Miller.

With respect to the Legal Education Committee, Mr. Bon indicated he would request that Steve Aron become the permanent Chairman. He also indicated that he would replace Janet Millard with Pat Nagel.

With respect to the Legislative and Law Reform Committee, Mr. Bon indicated that Cam Walker would replace Fred Harrison; Dick McCarty would replace Paul Hickey; Gary Shockey would replace Tony Ross; Don Sherard would replace Bob Sigler; and Hoke MacMillan would be reappointed. Mr. Bon indicated that Mr. Sherard had agreed to serve as Chairman.

With respect to the Medical Society/State Bar Liason Committee, Mr. Bon indicated that he would replace all three present lawyer members with the following attorneys: Dick Day, John Hursh and Linda Nix.

With respect to the Necrology Committee, Mr. Bon indicated that Howie McDaniel had agreed to serve as Chairman of this Committee in replacement of Carl Hildebrand.

Mr. Bon indicated that he does not like the name Public Relations Committee, but would prefer the Public Information and Communications Committee which would consist of himself, David Carmichael and John Daly.

Mr. Bon indicated that he thought the special committees should not be renewed. These special committees are the Special Committee on Taxation Law, the Special Committee on Uniform District Court Rules, and the Special Committee on Water Law. Mr. Bon specifically recommended that these committees not be renewed.

Mr. Dick Day moved, and Mr. Dave Carmichael seconded, that the Board of Commissioners approve the Committee appointments as outlined by Mr. Bon, including the nonrenewal of the special committees. After discussion, the motion carried.

The next item on the agenda was the Multistate Bar Captive Insurance Company. Mr. Carmichael indicated that he had spoken to Bob Minto and Glenn Smith at length regarding this topic. He stated that he spoke with them regarding the organization of the company, the input of the State Bar regarding who sits on the Board of Directors, the upside potential gain and the downside potential risks, and the matters of reinsurance.

Mr. Carmichael stated that he personally believed it was worth the risk to the Wyoming State Bar to commit another \$4,000.00 to the project and get back in. Mr. Bon indicated that he would like to see some sort of report from the entire Insurance Committee regarding this whole situation with its recommendation. Mr. Carmichael moved, and Mr. John Daly seconded, that the Wyoming State Bar commit \$4,000.00 to the multistate captive project and continue to stay involved in the project as long as the answers are acceptable to the Wyoming State Bar, dependent upon the Insurance Committee having a meeting and making a recommendation to that effect and verifying the information which had been reported to Mr. Carmichael, particularly the fact that reinsurance for the project had been committed.

Mr. Charlie Thompson, President of the South Dakota State Bar, was a guest of the meeting. Upon questioning from Board members, Mr. Thompson indicated that he thought the \$4,000.00 was the ante you need to put in to see the hand. He indicated that the South Dakota State Bar has authority to spend up to \$40,000.00 on the project but that he does not think it will come to that. He indicated that it would be important for Wyoming to rejoin the effort if we wanted to have any input regarding the structure of the company, running the company, etc.

Mr. Thompson also indicated that there was some urgency here since the company was going to have another steering committee meeting in early November.

After further discussion, the motion carried. Mr. Bon instructed Ms. Senkewicz to contact Mr. Golden as quickly as possible to set up an Insurance Committee meeting.

Ms. Becky Evans then entered the room. Ms. Evans is the Executive Director of the Wyoming Commission of the Bicentennial of the United States Constitution. Ms. Evans indicated that the goal of the Commission was to solicit funds to have a statewide celebration of the Bicentennial of the Constitution. She will meet with the Commission for the first time on October 24. She indicated that the Wyoming State Bar was her first solicitation effort. The Commission was asking for \$25,000.00, which comes to about \$21.00 per attorney. If we would contribute that amount, our logo would go on their letterhead and in their media presentation.

Ms. Evans indicated she also wanted support from the Bar regarding ideas on what the public would want from the celebration.

She indicated that Ann Rochelle, who had been appointed by Bill Bon as the Bar's liaison regarding the Bicentennial celebration, was still thinking of separate programs which would be of a CLE nature.

The Commission's goal was to have thirteen major co-sponsors. It would require \$20,000.00 to get the logo on the letterhead.

Ms. Evans then left the room, and the next item on the agenda was the Budget.

Mr. Carmichael began the discussion by indicating that he, Mr. Alden and Ms. Senkewicz had met prior to the meeting to discuss the budget. He indicated that in his opinion the Wyoming State Bar needed additional staffing, particularly thinking with an emphasis towards hiring a person who had public information skills. He indicated that additional personnel would be able to embark on some kind of consistent effort to improve the public image of lawyers in addition to helping Ms. Senkewicz with some of her duties with respect to the *Wyoming Lawyer*, the convention, and other duties which Ms. Senkewicz handles which don't require the skill and expertise of an attorney. Mr. Carmichael indicated that he had also thrown in a line item for public relations in the amount of \$30,000.00.

There was some discussion regarding the need for additional personnel. Ms. Senkewicz was questioned regarding how she would utilize an additional person, and Ms. Senkewicz stated that she agreed with Mr. Carmichael that someone along the lines of public information, communications and public relations would probably be a logical division of duties. However, Ms. Senkewicz indicated that she was not sure whether she was objective enough with regard to the situation since she had been so close to it for a number of years. She indicated that she would like to get the ABA in to do what is called an operational survey. The ABA could give some input to the Wyoming State Bar regarding staffing and the office operation in general, and she pointed out that there was a line item in the proposed budget, 15(E) which allocated \$750.00 for such an operational survey.

Mr. Carmichael moved, that subparagraph (E) and (F) under 01 salaries, be combined to reflect \$30,000.00, which could be utilized to employ additional personnel contingent upon receiving a report from the American Bar Association which evaluates the needs of the organization of the Wyoming State Bar, and removing line item 18, which had been \$30,000.00 budgeted for public relations. Mr. Carmichael also indicated that the person to be hired should have public information skills. Jerry Statkus seconded the motion. After discussion, the motion carried.

Ms. Senkewicz was instructed to also adjust downward the items for FICA, health, etc. under 01 to reflect the present personnel.

After discussion regarding travel, it was moved and seconded that 02, travel, be adopted as is, for \$26,000.00. The same motion was made, seconded and passed with respect to 03, financial.

With respect to 04, office, Ms. Senkewicz, was questioned as to what was budgeted for sub-item K, legal books. Ms. Senkewicz indicated that presently the office kept current the Wyoming Reports, the Wyoming Digest, Am. Jur. Second, and the Wyoming Statutes. She indicated that the only one she absolutely needed at her fingertips was the Wyoming Statutes and that having the Supreme Court library across the street would be sufficient for any other further research she might be required to do. It was therefore moved and seconded that the line item be reduced in the amount sufficient to maintain the statutes in a current manner, dropping the other legal books. After discussion, the motion carried.

With respect to 05, postage, and 06, telephone, it was duly moved, seconded, and passed that the items be approved as proposed.

There was some discussion with respect to line 07, publications. It was noted that the largest subline item was that for the Law Review. In response to questions, Ms. Senkewicz indicated that the Wyoming State Bar pays for the Law Review to be mailed to each individual member as part of the membership. Most of the Board members opined that in the future we might think of looking to cutting back this mailing as a cost-cutting measure with respect to mailing only one law review to each law firm, rather than to each individual attorney. Mr. Scott indicated that if the Bar was thinking of such a move, it should give the law school plenty of lead time regarding such a move since obviously the law review is dependent upon our contribution for its existence and publication.

Mr. Stan Sheehan moved, and Mr. Jerry Statkus seconded, that 07, publications, be accepted. Mr. Coll moved to amend the motion to reflect that the approval was contingent subject to investigating the possibility of mailing to individual firms as a cost-cutting measure. Mr. Sheehan and Mr. Statkus accepted the amendment. After discussion, the motion as amended carried.

Ms. Senkewicz indicated that she would informally talk to Dean Maxfield regarding that possibility.

It was duly moved, seconded and passed that 08, dues, be adopted as proposed.

With respect to 09, the Grievance Committee, Ms. Senkewicz indicated that the Committee had gone over budget for the first time. She also indicated that in the past the Committee had spent far less than its appropriated amount. In response to questioning, Ms. Senkewicz indicated that the addition of a part-time investigator had certainly increased the Committee's expenditures, and also the Committee had held a few formal hearings on lawyers for the first time since she had been in the job. Mr. Stan Sheehan moved, and Mr. Dave Carmichael seconded, that 09, Grievance Committee, be appropriated in the amount of \$25,000.00. After discussion, the motion carried.

With respect to 10, Fee Arbitration Committee, Mr. John Daly moved, and Mr. Stan Sheehan seconded, that the appropriated amount be cut back from the \$4,000.00 as proposed to \$1,000.00. After discussion, the motion carried.

With respect to 11, Unauthorized Practice of Law Committee, Mr. Dick Day moved, and Mr. Dave Carmichael seconded, that the appropriation be cut back from the proposed \$2,000.00 to \$500.00. After discussion, the motion carried.

With respect to 12, Other Committees, Mr. John Scott moved, and Mr. Stan Sheehan seconded, that the appropriation be cut back from the proposed \$2,000.00 to \$1,500.00. After discussion, the motion carried.

With respect to 13, New Admittees' Luncheon, Mr. Eric Alden moved, and Mr. John Scott seconded that the appropriation of \$1,000.00 as proposed be approved. After discussion, the motion carried.

With respect to 15, Cash Reserve, Mr. Stan Sheehan moved, and Mr. John Scott seconded to approve the appropriation as proposed of \$5,000.00. After discussion, the motion carried.

Mr. Carmichael moved that the budget be approved as amended. Mr. Day seconded the motion. After discussion, the motion carried.

With respect to the survey which had been brought up at the business meeting by Mr. Jack Stanfield and discussed by members of the Bar, Mr. Bon indicated that he would like to appoint a Committee to formulate the actual questions and work out the details regarding how the survey should be done and report back to the Board at the next meeting.

There being no further business before the Board, the meeting was adjourned at approximately 5:45 p.m.

Respectfully submitted,
MARY ELIZABETH SENKEWICZ
Executive Director

**Wyoming State Bar
Approved Budget for Fiscal Year 1986-1987**

Revenues

Annual Fees	\$160,937.50
335 x \$ 62.50	
1120 x \$125.00	
Interest	15,000.00
Miscellaneous Revenues	10,000.00
Rental Income	2,700.00
Parking Space Rental	1,920.00
Supervisory & Bookkeeping Fees	5,400.00
Supervisory \$ 3,600.00	
Bookkeeping ... \$ 1,800.00	
Convention	<u>20,000.00</u>
Total Revenues	\$215,957.50
Deficit: \$43,287.50	

Approved Budget for Fiscal Year 1986-1987

	Expenditures		
	1986-87	Budget Spent	Amount
	Budget	as of 8/31/85	Requested
01 Salaries			
A. Exec. Director	\$28,250.00	\$25,284.80	\$30,000.00
B. Admin. Asst.	11,700.00	11,539.33	12,100.00
C. Secretary	13,200.00	11,693.96	14,400.00
D. Supervisory Fees			
1. Exec. Dir.	3,600.00	1,200.00	3,600.00
2. Admin. Asst.	1,800.00	600.00	1,800.00
E. Public Info and Communi- cations	00.00	00.00	30,000.00
F. Health Insurance ..	826.00	1,049.31	2,766.00
G. FICA Match	4,000.00	3,523.49	4,426.00
H. Cleaning Service	650.00	330.37	650.00
Total Salaries	\$64,326.00	\$55,301.26	\$99,742.00
02 Travel			
A. President	5,000.00	1,641.33	5,000.00
B. President-Elect	3,000.00	3,639.60	3,000.00
C. Vice-President	1,500.00	00.00	1,500.00
D. Secretary-Treas.	1,000.00	1,000.00	1,000.00
E. Exec. Director	4,000.00	3,273.41	4,000.00

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F. Commissioners	9,000.00	2,236.74	9,000.00
G. ABA Delegate	1,500.00	00.00	1,500.00
H. Miscellaneous	1,000.00	641.53	1,000.00
Total Travel	\$26,000.00	\$12,432.61	\$26,000.00
03 Financial	2,500.00	1,850.00	2,500.00
04 Office			
A. Rent/Utilities	13,800.00	11,465.37	13,800.00
B. Copy Mach. Maint.	600.00	871.52	875.00
C. Postage Meter	850.00	806.17	2,218.00
D. WSB Stationery	800.00	624.56	650.00
E. Equipment Repairs	200.00	00.00	200.00
F. Xerox Type. Maint.	370.00	184.50	370.00
G. Computer Maint.	1,600.00	1,711.86	00.00
H. P. O. Box Rental	80.00	84.00	84.00
I. Snow Removal	00.00	367.00	375.00
J. Misc. Supplies	1,600.00	2,440.12	2,000.00
K. Legal Books	1,100.00	640.05	350.00
L. Casper Star-Trib.	110.00	89.00	115.00
M. Misc. Duplicating	50.00	52.50	50.00
N. Building Insurance	400.00	500.00	500.00
O. Computer Program	4,000.00	170.00	1,000.00
P. Copier Supplies	500.00	541.20	600.00
Q. Copier Lease	3,200.00	2,080.39	3,353.00
R. Computer Supplies	600.00	603.27	700.00
S. National Law Journal	55.00	55.00	55.00
T. IBM Type. Maint.	75.00	75.00	75.00
Total Office	\$29,990.00	\$23,361.21	\$27,370.00
05 Postage	7,000.00	6,374.06	7,650.00
06 Telephone	5,000.00	3,245.54	5,000.00
07 Publications			
A. Wyoming Lawyer	4,000.00	5,618.51	7,080.00
B. Law Review	22,000.00	22,140.00	23,250.00
C. 1987 Directory	4,500.00	4,161.04	4,500.00
D. Bar Leader	84.00	00.00	84.00
E. Legis. Service	37.00	00.00	37.00
Total Publications	\$30,621.00	\$31,919.55	\$34,951.00
08 Dues	600.00	460.00	600.00

1987	WYOMING STATE BAR PROCEEDINGS		283
09 Grievance Comm.	25,345.00	27,932.43	25,000.00
10 Fee Arb. Comm.	2,000.00	306.92	1,000.00
11 Unauthorized Practice of Law Committee	00.00	00.00	500.00
12 Other Committees	2,000.00	1,511.81	1,500.00
13 New Adm. Luncheon	1,000.00	00.00	1,000.00
14 CLE Committee (see Addendum)			
15 Cash Reserve	18,000.00	52,630.08	5,000.00
A. Rudolph's Book	10,000.00	16,542.53	00.00
B. Law Rev. Index	5,000.00	5,210.00	00.00
C. Unallocated	3,000.00	11,030.67	4,250.00
D. New Computer	00.00	19,846.88	00.00
E. Operational Survey	00.00	00.00	750.00
16 Convention	20,000.00	5,273.20	20,000.00
17 UWLS Scholarship	<u>1,432.00</u>	<u>1,432.00</u>	<u>1,432.00</u>
Total Expenditures	\$235,814.00	\$224,030.67	\$259,245.00

**Addendum
CLE Committee**

Revenues:

Tax Law Seminar	\$3,712.00
Estate Planning Seminar	<u>5,156.32</u>
Total Revenues	\$8,868.32

Expenses:

Tax Law Seminar	\$2,024.67
Estate Planning Seminar	3,750.34
Committee Expense	<u>19.88</u>
Total Expenditures	\$5,794.89

Profit: \$3,073.43

1985-86 CLE Committee Balance	\$18,426.57
1986-87 CLE Committee Balance	\$21,500.00