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Report of the Unauthorized Practice of Law Committee

Wyoming State Bar

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The committee members have become increasingly cognizant of the fact that public relations projects are important and desirable tools in correcting erroneous public concepts and attitudes, but that every member of our Bar Association is, in and of himself, or herself, a representative of our profession. In other words, good public relations begins at home.

Perhaps many of you have read the results of the recent Missouri survey, which took two and one-half years and cost an estimated \$100,000. The most significant finding was that the layman, when he employs counsel, develops a higher opinion of his own attorney, but that, at the same time, his opinion of lawyers, and courts, in general, tends to go down. They concluded that the individual lawyer, in making an impact on his client, is hurting the profession. The Executive Director of the Missouri Bar stated that the main reason for this appears to be "the Lawyer's own behavior in court and in publicly criticizing opposing counsel, the judge and the jury, and his failure to explain the nature of the adversary system."

Perhaps, the Missouri survey offers us food for thought. It has been suggested that we might place more emphasis on reminding ourselves of the individual part we play in forming composite public opinion.

Respectfully submitted,

JAMES A. TILKER, Chairman,
Special Committee on Public
Relations

REPORT OF THE UNAUTHORIZED PRACTICE OF LAW COMMITTEE

The Unauthorized Practice of Law Committee of the Wyoming State Bar reports as follows:

Attached is a copy of our report to the Unauthorized Practice Committee of the American Bar Association with a copy of the reply thereto.

In 1962 the Wyoming State Bar did not adopt the agreement with the real estate brokers presented by our committee for consideration. Because of the success of real estate brokers in Arizona, in securing passage of the constitutional amendment permitting real estate brokers to practice law, our negotiations with the Wyoming real estate brokers since 1962 have been amicable, but not fruitful.

As stated in our report to the American Bar Association, "It is my belief that the most important aspect of unauthorized practice of law is in the field of estate planning. Many lay persons are actually practicing law in this field. The problem is aggravated greatly by lawyers who refuse to educate themselves in the field of estate planning and encourage their clients to use the services of lay people in this field." I would like to add

to this report my observation that not only do lawyers in Wyoming refuse to educate themselves to a large extent and refer these matters to lay people, but they also are reaping the harvest of this conduct by witnessing many men of means traveling to Denver and Salt Lake and Billings and other large cities for estate planning by lawyers. It takes a lawyer to do an adequate job of estate planning and Wyoming lawyers are not doing estate planning for the residents of Wyoming who need it.

My files are rather complete about the activities of Mr. Charles Anderson of Jackson. This man's activities apparently are satisfactory at this time.

Several complaints about activities of accountants have been considered satisfactorily resolved.

Attached is a summary of the relations of the Wyoming State Bar with other professional groups.

STANLEY K. HATHAWAY
WILLIAM T. SCHWARTZ
ELMER J. SCOTT
BYRON HIRST, CHAIRMAN

Mr. Melvin F. Adler, Executive Secretary
Unauthorized Practice Committee
American Bar Association
302 Mutual Savings Building
Fort Worth 2, Texas

Dear Mr. Adler:

In reply to your inquiry in your 18 June 1963 Newsletter, I want to say that I believe that the conference approach generally is the best method to combat unauthorized practice. In Wyoming we constantly are meeting or talking about meeting with representatives of the lay groups which might prove to be troublesome, and, we find we have no difficulties at all where an agreement has been reached by your committee on a national basis. Nevertheless, we continue negotiation with the troublesome ones such as the real estate agents and the title companies and we believe that we make considerable progress.

It is my belief that the most important aspect of unauthorized practice of law is in the field of estate planning. Many lay persons are actually practicing law in this field. The problem is aggravated greatly by lawyers who refuse to educate themselves in the field of estate planning and encourage their clients to use the services of lay people in this field.

Although it would be profitable and pleasant for lawyers throughout the country to be able to require all real estate closings to be under the control of and in the offices of attorneys as in New York State, I don't believe this policy can be established nationwide and we will do well if we avoid the situation such as that in California where everything is done by escrow companies and title insurance companies. It seems to me that

the public would be better served and we would arrive at a compromise which could be agreed to by all concerned by arriving at an arrangement whereby certain specific real estate forms could be used by real agents and title companies and escrow companies, and, an agreement that no other papers can be used. The area of dispute would be contractors for sale of real estate (as contrasted with mortgages which usually are in a form prescribed by the lending agencies) and in collateral agreements providing for exchanges of real estate and some other non-routine situations. In this part of the world, responsible real estate agents and other lay people do not want to take the risk of preparing other than routine instruments and prefer to have lawyers draw them, however, I realize that in more sophisticated communities the lay people are not only anxious to do everything a lawyer can do but really insist upon doing it.

BYRON HIRST

WYOMING STATE BAR
UNAUTHORIZED PRACTICE OF LAW COMMITTEE

ACCOUNTANTS: ABA principles adopted by Wyoming State Bar 9/12/59 – by Wyoming Society of Certified Public Accountants May 1959 – NO PROBLEMS.

BANKS WITH TRUST FUNCTIONS: ABA principles adopted by Wyoming State Bar 9/12/59 – NO PROBLEMS.

COLLECTION AGENCIES: ABA principles adopted by Wyoming State Bar 9/12/59 – NO ACTION AND NO COMPLAINTS.

INSURANCE ADJUSTERS: ABA principles adopted by Wyoming State Bar 9/12/59 – NO ACTION AND NO COMPLAINTS.

LIFE INSURANCE UNDERWRITERS: ABA principles adopted by Wyoming State Bar 9/12/59 – by Southern Wyoming Life Underwriters Association 8/11/59 – considered and approved by Wyoming Life Insurance Underwriters in 1963 – NO PROBLEMS.

PUBLISHERS: ABA principles adopted by Wyoming State Bar 9/12/59 – Wyoming State Bar adopted resolution regarding attorneys inspiring publicity 9/12/59 and President Crowell wrote to all publishers thereafter – NO PROBLEMS.

REALTORS: PROBLEMS UNRESOLVED AT THIS TIME.

WYOMING STATE MEDICAL SOCIETY: INTERPROFESSIONAL CODE FOR PHYSICIANS AND ATTORNEYS adopted by Wyoming State Bar 9/12/59, by Wyoming State Medical Society 6/11/59, mailed to all doctors and lawyers 8/20/59; **EXPERT WITNESS FEE** bill agreed upon by the Joint Committee of Physicians and Lawyers, a bill drawn and approved at the annual meetings of the Wyoming State Bar and of the Wyoming State Medical Society in 1960, but the bill amended without notice to the Joint Committee and passed by the