

1988

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Wyoming State Bar

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Minutes of the Meeting of the Wyoming State Bar Board of Commissioners

September 18, 1987

Casper, Wyoming

The Board met over lunch to discuss matters other than the main item on the agenda, the budget. Present were President David H. Carmichael, President-Elect John M. Daly, Vice-President, Richard M. Davis, Jr., Secretary-Treasurer Eric M. Alden, and the following Commissioners: David D. Uchner, Richard E. Day, Dennis M. Coll, Stuart S. Healy, Stanley S. Sheehan, John B. Scott, and Henry C. Phibbs, II. The immediate Past President, William S. Bon, was also present, as were Ms. Mary Beth Senkewicz, Executive Director, and Tony Lewis, Director of Communications.

The first item discussed over lunch was the disciplinary system. Mr. Carmichael related that Bill Bon had earlier received a letter from Attorney General Joseph B. Meyer, indicating that the Attorney General's office did not want to be involved in the disciplinary system anymore. Mr. Carmichael related that under the present system, the Attorney General's office prosecutes an action when it reaches the formal hearing stage. Attorney General Meyer had also related in his letter that he was putting Bar discipline matters on the lowest priority, which obviously was a situation which needed to be addressed.

Mr. Scott wondered what other states did. Ms. Senkewicz related that most states had an office devoted entirely to discipline. Either the bar association itself had hired full-time counsel to handle disciplinary matters, or there was an office separate from the state bar which was funded by a separate assessment on lawyers. She also indicated there were still a few states left which contracted out to private firms for disciplinary work.

Ms. Senkewicz indicated that she had been requested to do a study on the matter by Bill Bon and Dave Palmerlee, the Chairman of the

Grievance Committee. She indicated she would be doing an in-depth memorandum of the subject, including possible alternatives for Wyoming.

Mr. Carmichael appointed John Scott, Dennis Coll, and David Uchner to a subcommittee to study alternatives to the disciplinary system. Ms. Senkewicz indicated she would circulate the first draft of her report to the members of that subcommittee before reporting back to the entire Board.

Also, within the discussion, several commissioners questioned how other professions fund their disciplinary systems, particularly, the medical profession.

The next item on the agenda was the letter from Gerald F. Murray. Mr. Murray requested that an official determination be made of his status since he had been recently appointed as Chief Administrative Law Judge. He indicated that his duties would primarily be of a judicial nature and was wondering whether he would qualify for honorary status.

Mr. John Scott moved, and Mr. Dennis Coll seconded, that Ms. Senkewicz write a nice letter back to Mr. Murray indicating that he does not qualify for honorary status as that rule is presently written. After discussion, the motion carried.

The next item on the agenda was a letter from Larry Jorgenson, who wrote to indicate his displeasure with a change in the Wyoming Worker's Compensation Act, which indicates that any attorney's failure to notify the Director and the Attorney General and to insure that the State receives its fair share of the proceeds of any settlement judgment shall be reported to the Grievance Committee. Mr. Jorgenson views the legislative mandate as being inappropriate. Mr. Dick Day moved, and Mr. Dick Davis seconded, that Ms. Senkewicz write a letter back to Mr. Jorgenson thanking him for his letter and indicating that the Board of Commissioners had considered the matter, but did not think it was a matter which should concern us greatly and that the Bar did not want to go to the Legislature on the matter.

Mr. Carmichael next reported that some members of the Board of Directors of the Wyoming State Bar Foundation had a meeting earlier in the week. Mr. Tom Lubnau, the President, had agreed to appoint Bill Bon as Chairman of a Bylaw Review Committee. Ms. Senkewicz was to gather information for Mr. Bon, and it was Mr. Carmichael's opinion that the new bylaws would call for the election of a new Board by the membership. Mr. Carmichael requested that all members of the Board of Commissioners join the Wyoming State Bar Foundation to obtain voting status. Thereafter, a new Board will be elected per the new bylaws.

Ms. Senkewicz then brought up an item which had recently been brought to her attention. Someone had stopped by her office the day before she left for the convention, soliciting the Wyoming State Bar to contribute to a project called "Constitutional Square" which would be in Cheyenne. Ms. Senkewicz indicated that the City of Cheyenne had given

up certain space near the Civic Center and a constitution square was going to be built as a memorial to the bicentennial. She indicated that apparently there were going to be eight benches built around the square which would have plaques on them indicating the names of the contributor of a particular bench. She had been approached by the individual in charge of the architecture and fund raising, requesting money to purchase a bench. One bench costs \$800.00.

Ms. Senkewicz indicated that it was her understanding that the Laramie County Bar Association was interested and might support a bench. The discussion centered around the fact that it was a local project, and the Wyoming State Bar certainly heartily supported the efforts of the Laramie County Bar Association. It was duly moved, seconded, and passed that we encourage, appreciate, and approve the efforts of the Laramie County Bar Association in this regard. However, the Wyoming State Bar would not contribute money to a local project.

The next item on the agenda was the Wyoming Commission for the Bicentennial of the United States Constitution. Ms. Senkewicz and Mr. Lewis reported that the Commission expired on December 30, 1987, but would still have money left over and the celebration is supposed to continue until 1991. They indicated that they had been approached by Ms. Becky Evans, Executive Director of the Wyoming Commission, regarding whether the Wyoming State Bar would take over her office's role after the Commission expired. There were several questions regarding exactly how much work would have to be done, and Mr. Stu Healy moved, and Mr. Dick Day seconded, that the matter be tabled for decision by the Executive Committee by October 24. After discussion, the motion carried.

It was brought to the attention of the Board members that the Joint Appropriations Committee was thinking of dumping county court administration onto the clerks of district court. Mr. Dennis Coll moved, and Mr. Eric Alden seconded, that the matter be referred to the Legislative and Law Reform Committee for its recommendation.

Also, it was brought to the attention of the Board members that the Judicial Conference was considering a redistricting proposal. Ms. Senkewicz was instructed to telephone Judge Taylor and find out what she could about the matter, and then refer the matter to the Legislative and Law Reform Committee for its consideration.

Also, it was brought to the attention of the Board members that a bill had been proposed which would do away with the statute which says only lawyers may perform credit counselling services. Ms. Senkewicz was instructed to refer the matter to the Legislative and Law Reform Committee for its consideration.

Mr. John Scott moved, and Mr. Stan Sheehan seconded, that retired members of the Board be awarded plaques as a token of appreciation for their efforts. After discussion, the motion carried.

The regular meeting of the Board of Commissioners was called to order by Mr. President Carmichael at 2:00 P.M. In addition to the individuals who were present at the informal discussions over lunch, Ms. Sharon Rose, Commissioner for the Third Judicial District, was also present.

Mr. Alden, Secretary-Treasurer, explained that he, Mr. Carmichael, and Ms. Senkewicz had met prior to the convention in Cheyenne to go over the annual budget. Mr. Alden explained that the primary difference between this budget and last year's was that a portion of Ms. Senkewicz' salary, and that of her secretary, had been apportioned to the Grievance Committee. The Board determined to skip 01, Salaries, and begin with 02.

Mr. Dennis Coll moved, and Mr. Stan Sheehan seconded, that 02, Travel, be approved. After discussion, the motion carried.

Mr. John Scott moved, and Mr. Dennis Coll seconded, that 03, Financial, be approved. After discussion, the motion carried. Mr. Stan Sheehan moved, and Mr. Dennis Coll seconded, that 04, Office, be approved. After discussion, the motion carried.

Mr. Dennis Coll moved, and Mr. Stan Sheehan seconded, that 05, Postage, and 06, Telephone, be approved. Ms. Senkewicz indicated that the reason for the increase in telephone was because the sublessee had been evicted and with the addition of new personnel, the State Bar now had four lines instead of two. After further discussion, the motion carried.

The next item was 07, Publications. Upon questioning, it was noted that subsection G, Pamphlets, did not include money for purchase of plastic stands. Mr. John Daly moved, and Mr. Dennis Coll seconded, that we adopt F, Press Clipping Service, G, Pamphlets, H, Consumers' Guide, and I, Newspaper (Ask a Lawyer), with an additional \$500.00 allotted for G, Pamphlets, to include purchase of plastic stands. After discussion, the motion carried.

Mr. Eric Alden moved, and Mr. John Daly seconded, that A, Wyoming Lawyer, C, Directory, D, Bar Leader, and E, Legislative Service, be adopted. After discussion, the motion carried.

With respect to B, Law Review, Mr. Carmichael noted that this lower figure was based on one copy per address. Mr. Carmichael related that there were several options with respect to the Law Review: the Bar could buy one copy for each address and add a sustaining contribution to the Law Review; we could cut back the number totally; or we could leave it as it is, which is one copy is purchased for every member of the Wyoming State Bar. Several commissioners opined that we need to support the law school, that most of us have been impressed with the new Dean and now was no time to cut back on our support of the law school. Mr. Stu Healy moved that we buy one copy per address and give the Law Review a sustaining contribution. The motion died for lack of a second.

Mr. John Scott moved, and Mr. Dick Day seconded, that we fund the Law Review to the full extent and continue to do as we have, which is provide each member of the State Bar with a copy of the Law Review.

After discussion, the motion carried. Ms. Senkewicz was instructed to talk to the law school regarding raising its subscription price to people other than the Bar members.

Mr. Dennis Coll moved, and Mr. John Scott seconded, that we approve, 08, Dues. After discussion, the motion carried.

Mr. Dennis Coll moved, and Mr. John Scott seconded, that 09, Grievance Committee, be approved for C, D, E, F, and G. After discussion, the motion carried. Items A and B will be discussed along with salaries.

Mr. John Scott moved, and Mr. Stan Sheehan seconded, that item 10, Fee Arbitration Committee, be approved. After discussion, the motion carried.

Mr. John Scott moved, and Mr. Stan Sheehan seconded, that item 11, Unauthorized Practice of Law Committee, be approved. After discussion, the motion carried.

Mr. John Scott moved, and Mr. Stan Sheehan seconded, that item 12, Other Committees, be approved. After discussion, the motion carried.

Mr. Eric Alden moved, and Mr. Stu Healy seconded, that item 13, New Admittees Luncheon, be approved. After discussion, the motion carried.

Mr. Dennis Coll moved, and Mr. Eric Alden seconded, that item 14, CLE Committee, be approved. After discussion, the motion carried.

The next item on the agenda was item 15, Cash Reserve. Ms. Senkewicz noted that she had neglected to put in a line item for things like the Western Trial Advocacy Institute. Mr. John Scott moved, and Mr. Stu Healy seconded, that we add a line item for professional seminars in the amount of \$4,000.00, which could be allocated now for future consideration. After discussion, the motion carried. Ms. Senkewicz was instructed to write to Judge Rose and ask him for a budget. In the event they wished to ask for our support, we need to know certain things, including the budget and the criteria for scholarships. Also, Ms. Senkewicz was to ask whether they would consider taping the seminar for free and letting us have it for CLE dissemination.

Someone questioned Mr. Bon regarding the Jackrabbit Bar, but Mr. Bon indicated that that convention should be self-sustaining.

Mr. Stan Sheehan moved, and Mr. Dick Day seconded, that item 15, Cash Reserve, be approved with the amendment. After discussion, the motion carried.

Ms. Senkewicz reported that she was running out of checks for her convention account and was wondering whether that account should be closed. She indicated that in her opinion there was no need for a separate account since they were general funds of the State Bar, and indeed, the regular checking account paid interest. Ms. Senkewicz was instructed to close the convention account.

Mr. Stan Sheehan moved, and Mr. Eric Alden seconded, that item 16, Convention, be approved. After discussion, the motion carried.

Mr. John Scott moved, and Mr. Stu Healy seconded, that line item 17, UWLS Scholarships, be approved. After discussion, the motion carried.

Mr. Carmichael indicated that he wished the permission of the Board to use Mr. Bon in an *ex officio* capacity. Mr. Carmichael wanted to use Mr. Bon's expertise over the years and bounce ideas off him. Mr. Stu Healy so moved, Mr. Scott seconded, and the motion carried.

Ms. Senkewicz and Mr. Lewis then left the room. Upon their return, Ms. Senkewicz was instructed that items 01, Salaries, and 09, A and B relating to the salaries of the Executive Director and the Secretary, were approved.

Ms. Senkewicz was instructed that making the immediate past president an *ex officio* member of the Board of Commissioners should be accomplished through the new bylaws. Ms. Senkewicz indicated she would so instruct the Chairman of that committee.

It was determined that the next meeting of the Commissioners would be held sometime in November in Ucross, and that the January meeting might be held in Jackson.

There being no further business before the Board, the meeting was adjourned at approximately 4:30 P.M.

Respectfully submitted,
MARY ELIZABETH SENKEWICZ
Executive Director,
Wyoming State Bar

**Wyoming State Bar
 Approved Budget For Fiscal Year 1987-1988**

Revenues

ANNUAL FEES	\$165,000.00
1117 x \$125.00	
406 x \$ 62.50	
INTEREST	12,000.00
PARKING SPACE RENTAL	1,560.00
SUPERVISORY & BOOKKEEPING FEES	5,400.00
Supervisory \$3,600.00	
Bookkeeping 1,800.00	
DIRECTORY	6,000.00
WYOMING LAWYER	1,200.00
LABELS	1,000.00
MISCELLANEOUS REVENUES	1,600.00
Title Standards, etc.	
PHOTOCOPY INCOME	7,500.00
LOCAL GOVERNMENT LAW	1,000.00
CONVENTION	25,000.00
TOTAL REVENUES	\$227,260.00
DEFICIT: \$56,154.00	

Approved Budget For Fiscal Year 1987-1988

Expenditures

	<u>1986-87 Budget</u>	<u>Budget Spent as of 7/31/87</u>	<u>Amount Requested</u>
01 SALARIES			
*A. Exec. Director	\$30,000.00	\$25,300.00	\$23,000.00
B. Dir. of Commun.	15,000.00	10,530.06	19,000.00
C. Admin. Asst.	12,100.00	10,723.38	10,800.00
*D. Secretary	14,400.00	13,313.05	12,264.00
E. Part-Time Secy.	0.00	0.00	6,240.00
F. Supervisory Fees			
1. Exec. Director	3,600.00	2,700.00	3,600.00
2. Admin. Asst.	1,800.00	1,350.00	1,800.00
G. Health Insurance	2,766.00	2,391.38	4,157.00
H. FICA Match	4,426.00	4,605.92	6,414.00
I. Cleaning Service	650.00	425.00	600.00
J. Kelly Girls	0.00	0.00	500.00
TOTAL SALARIES .	\$84,742.00	\$71,338.79	\$88,375.00

*A portion of the Executive Director's and Secretary's salaries are being apportioned to the Grievance Committee (09).

02 TRAVEL

A. President	5,000.00	2,460.42	5,000.00
B. President-Elect	3,000.00	1,794.63	3,000.00
C. Vice-President	1,500.00	898.57	1,500.00
D. Secretary-Treas.	1,000.00	1,000.00	1,000.00
E. Exec. Director	4,000.00	3,116.72	4,000.00
F. Commissioners	9,000.00	5,911.93	9,000.00
G. ABA Delegate	1,500.00	381.92	1,500.00
H. Miscellaneous	1,000.00	1,943.98	1,000.00
TOTAL TRAVEL ...	\$26,000.00	\$17,508.17	\$26,000.00

03 FINANCIAL \$ 2,500.00 \$ 0.00 \$ 2,000.00

04 OFFICE

A. Rent/Utilities	\$13,800.00	\$12,607.93	\$13,800.00
B. Copy Mach. Maint. ...	875.00	597.90	920.00
C. Postage Meter	2,218.00	1,836.95	2,210.00
D. WSB Stationery	650.00	902.49	900.00
E. Equipment Repairs ..	200.00	68.66	200.00
F. Xerox Type. Maint. ...	370.00	184.50	370.00
G. P.O. Box Rental	84.00	84.00	84.00
H. Snow Removal	375.00	392.50	400.00
I. Misc. Supplies	2,000.00	2,071.08	2,200.00
J. Legal Books	350.00	604.10	375.00
K. Casper Star-Trib.	115.00	80.10	115.00
L. Misc. Duplicating ...	50.00	158.24	50.00
M. Building Insurance ..	500.00	599.00	600.00
N. Computer Program ...	1,000.00	100.00	500.00
O. Copier Supplies	600.00	1,902.33	1,000.00
P. Copier Lease	3,353.00	3,202.76	2,784.00
Q. Computer Supplies ..	700.00	718.59	800.00
R. National Law Journal	55.00	59.00	60.00
S. IBM Type. Maint.	75.00	77.25	77.00
TOTAL OFFICE	\$27,370.00	\$26,519.54	\$27,445.00

05 POSTAGE \$ 7,650.00 \$ 6,486.65 \$ 7,650.00

06 TELEPHONE \$ 5,000.00 \$ 5,917.03 \$ 6,500.00

07 PUBLICATIONS			
A. Wyoming Lawyer . . .	\$ 7,080.00	\$ 9,128.58	\$ 6,780.00
B. Law Review	23,250.00	23,955.00	24,000.00
C. 1987 Directory	4,500.00	4,519.10	5,000.00
D. Bar Leader	84.00	0.00	84.00
E. Legis. Service	37.00	130.00	130.00
F. Press Clipp. Serv. . . .	0.00	0.00	240.00
G. Pamphlets (Set 10) . . .	0.00	0.00	4,000.00
H. Cons. Guide	0.00	0.00	4,000.00
I. Newspaper (Ask a L.)	0.00	0.00	800.00
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TOTAL PUBLICATIONS . . .	\$34,951.00	\$37,732.68	\$45,034.00
08 DUES	\$ 600.00	\$ 240.00	\$ 350.00
09 GRIEVANCE COMM.			
A. Exec. Dir.			\$10,000.00
B. Secretary			3,000.00
C. Investigator		\$ 9,610.74	11,600.00
D. Postage/Photo		4,242.36	4,500.00
E. Telephone		178.99	200.00
F. Supplies		173.39	200.00
G. Comm. Expenses		3,412.36	3,500.00
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TOTAL GRIEVANCE COMM.	\$25,000.00	\$14,904.16	\$33,000.00
10 FEE ARB. COMM. . .	\$ 1,000.00	\$ 631.99	\$ 1,000.00
11 UNAUTHORIZED PRACTICE OF LAW COMMITTEE			
	\$ 500.00	\$ 0.00	\$ 1,000.00
12 OTHER COMMITTEES			
	\$ 1,500.00	\$ 3,065.69	\$ 1,500.00
13 NEW ADM. LUNCHEON			
	\$ 1,000.00	\$ 0.00	\$ 1,000.00
14 CLE COMMITTEE*			
15 CASH RESERVE			
A. Rudolph's Book	\$ 0.00	\$ 5.30	\$ 0.00
B. Law Rev. Index	0.00	0.00	0.00
C. Unallocated	4,250.00	31,382.71	3,000.00
D. Judicial Survey	0.00	0.00	6,000.00
E. Professional Services . .	0.00	0.00	3,000.00
F. Professional Seminars	0.00	0.00	4,000.00
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TOTAL CASH RESERVE . . .	\$ 5,000.00	\$31,388.01	\$16,000.00

*See Addendum for CLE Committee breakdown.

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16	CONVENTION	\$20,000.00	\$ 3,283.92	\$25,000.00
17	UWLS SCHOLARSHIPS	\$ 1,432.00	\$ 0.00	\$ 1,560.00
	TOTAL EXPENDITURES	\$244,245.00	\$219,016.63	\$283,414.00

Addendum

CLE Committee

REVENUES

Worker's Compensation	\$ 3,878.04
CLE at the WAM Convention	1,275.00
Medical/Legal Seminar	8,595.00
Agricultural Law	540.00
Discipline and Ethics	1,290.00

TOTAL REVENUES \$15,578.04

EXPENSES

Worker's Compensation	\$ 1,239.83
CLE at the WAM Convention	848.72
Medical/Legal Seminar	12,647.98
Agricultural Law	1,818.45
Discipline and Ethics	932.07
Committee Expense	1,624.05

TOTAL EXPENSES \$19,111.10

LOSS \$ 3,533.06

1986-87 CLE Committee Balance \$21,500.00

1987-88 CLE Committee Balance \$17,966.94