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## Address of the President

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# ANNUAL MEETING OF THE WYOMING STATE BAR

Cody, Wyoming

September 10, 1964

## ADDRESS OF THE PRESIDENT

JERRY W. HOUSEL

The Wyoming lawyer, though geographically remote from momentous developments the past year in our nation, world and island universe, has nevertheless felt the impact of any resulting social and legal problems. The crisis of Cuba, Viet Nam and the Gulf of Tonkin have required application and perhaps some modification of seldom used principles of international law. Nuclear knowhow and realization of its devastating possibilities have produced some agreed limitations on its testing and use. It is apparent that concepts of territorial and property rights on earth may well be inadequate to adjust functions in space. And in a world where power balance becomes more and more sensitive a significant recent development to lawyers has been the ground movement headed by Charles S. Rhyne in the World Peace through Law organization created in Athens 14 months ago to encourage study and application of international legal principles. In the long run peace will be achieved only through day to day application of the rule of law in problems as they arise, by this organization, the United Nations, the World Court and similar institutions.

Within this nation a fuller recognition of basic principles in our constitution and bill of rights by the Supreme Court has deeply underlined the importance of the rule of law. Although there is some popular dissatisfaction with the court's view of freedom of religion, most leading religious thinkers generally are in agreement with it. The racial discrimination decisions have given rise to profound social readjustments, but few constitutional lawyers question the basic principles involved. In working out these fundamental constitutional concepts in every day life, the lawyer can make his greatest contribution to society.

Here in Wyoming in daily practice the lawyer is working more easily under the rules of civil procedure. The emphasis has shifted from procedural technicalities to discovery and proof, and ancient technical pleas seldom now sidetrack a decision on the merits and substantial justice in the case. And though the work of the rules committee continues, our present system offers the ordinary individual a greater chance for speedy, competent and just disposition of his problem than any procedural system in our history. The Uniform Commercial Code and the modern business corporation acts are to some extent still in the process of digestion, and many lawyers find many portions of them somewhat unpalatable. But with time, patience, and practice the security

agreement and its kin under the code will provide the high degree of flexibility and security required by the current commerce of our country.

During the past year the Wyoming State Bar has moved forward along a rather broad front. The impossible burden thrown on our legislative committee at midwinter sessions underlines the wisdom of the rule requiring this annual meeting to pass on proposed legislation for the next legislature. A large part of this meeting will be devoted to proposed bills. One of the most important of these, though perhaps of narrower interest than previous major codifications, is the proposed Administrative Procedure Act. During the winter the University of Wyoming College of Law held an institute on this subject and a special committee of the state bar under chairman Harold S. Bloomenthal has devoted a great deal of study and effort to this bill. The bar generally has had an opportunity to examine it since the legislative session in January, 1962. Other significant legislative proposals to be examined here include the following items lead by the committee chairman indicated:

Codification of statutes related to eminent domain, by Glenn A. Williams

Procedure for appointment of guardian of incompetents, by Charles E. Graves

Amendment of statutes concerning the election of surviving spouse in probate of wills, by David N. Hitchcock

Judicial salaries and retirement, by Arthur Kline

Amendments to criminal law recommended by the county attorneys, by Henry T. Jones

Increase in annual license fees for members of the bar, by Richard R. Bostwick

A bill to improve the administration of probation and parole has been under study by a joint committee of the bar and the Wyoming Medical Society, with the assistance of the state probation and parole department. Howell C. McDaniel heads the lawyers on this committee and will report the recommendations of this joint committee. Other committees have worked on various subjects to be reported here by the committee chairman including the following:

Minor court, by Robert Stanley Lowe

Revision and codification of rules and statutes relating to the Wyoming State Bar and the admission and discipline of attorneys, by Judge Norman B. Gray

Bar-Press relations, by Joseph J. Hickey

Bar economics, by George F. Guy

Legal education, by Marialyce B. Tobin

Relations between lawyers and the judiciary, by W. Hume Everett

Defense of indigents, by John F. Raper

A joint committee of the bar and the Wyoming Press Association has been working on a statement of joint principles to govern relations between the bar and the press. Our Wyoming federal court district as well as the American Bar Association and the federal circuit courts are working out rules for defense of indigents and compensation of attorneys under the act recently passed by Congress. After completing the excellent study of economics of lawyers in Wyoming, the bar economics committee is now studying our minimum fee schedule.

Perhaps the most important of all assignments is the modernization of our minor courts system undertaken by the minor courts committee. This committee was successful in having the legislature adopt a bill for a constitutional amendment, and the biggest job facing each member of the state bar at this time will be to see that this constitutional amendment is adopted at the general election in November.

In two other areas we have attempted this year to initiate procedures for the benefit of the bar. At the beginning of the year we set up a budget committee consisting of all elected officers and drew up a budget for the year. This budget brought severe reduction in expenditures in order to keep intact the small financial reserve built up over the years. The functions of the bar have been well within the budget up to this time, though some of the annual meeting expense may exceed budgeted figures. In conjunction with the adoption of a budget a concerted drive was made to collect all delinquent dues of the members of the bar. This has been done and for the first time in recent history the annual license fees of all active members of the bar are currently paid. The question of whether the annual fee should be increased is under study and President-elect Richard R. Bostwick will make a report on this subject at this meeting. The answer to this question depends on several things including the following:

1. To what extent should the functions of the bar be enlarged?
2. Should committee members be reimbursed for mileage and expenses for attending committee meetings and if so to what extent?
3. Should a full time administrative officer be employed?

The practice of other state bars with respect to reimbursement of committee members varies. In most small bars like ours committee members serve without compensation or reimbursement and this also is true in many of the larger bars. Even if our annual license fee is increased it is doubtful if there will be sufficient funds to pay full reimbursement for all committee members and take care of other expenses of the bar. The officers this year (and I am sure almost every year) have personally assumed part of their travel expenses and a substantial amount of office and incidental expenses.

I proposed a meeting of past presidents of the bar at this meeting with the hope that they may function as an advisory group on matters of policy. Their experience in the leadership of the bar and its activities gives these

individuals a unique background from which to contribute substantially to betterment of the bar.

A final word of appreciation. First to my predecessor George J. Millett who did such a good job during his tenure that there was little left for me to do. To the commissioners and the members of the standing and special committees many of whom have contributed much time and effort carrying forward the work of the bar this year. To the officers, Richard R. Bostwick, Elmer J. Scott and John T. Dixon who were ever helpful on every front. To our own lawyers and judges who are putting on a trial procedure panel under chairmanship of William H. Brown which I know will be of real value to every practicing lawyer. To Justice Byron R. White and our other guests from all over the nation who are participating in this annual meeting. To the members of the Park County Bar who have shown unequaled willingness, industry and ability in putting on a state bar meeting in the largest little city in Wyoming. And finally to you my fellow lawyers in this great association, for the honor of leading our organized activities this past year.