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## Report of Special Committee to Study Methods of Fixing Annual License Fees for Members of Wyoming Bar Association

Wyoming State Bar

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## REPORT OF THE COMMITTEE ON BAR ECONOMICS

By GEORGE F. GUY, *Chairman*

This Committee originated with the appointment by George Millett of Laramie, then President, in October, 1962, with George F. Guy as Chairman of a Committee of several members. This Committee continued, with a change or two, under President Jerry Housel of Cody. Great assistance was rendered to the Committee by Mr. Sam Clifton, Manager of the Department of Bar Economics of the American Bar Association, Chicago; and by Dr. Burke A. Parsons of the Hankamer School of Business, Baylor University, Waco, Texas, without which the gathering of the data from Wyoming lawyers and the compilation of same would have been impossible. The Committee assumed the responsibility of a "selling job" on the members of the Wyoming Bar insofar as the sending of the questionnaires was concerned, but the meat of the task fell to Sam Clifton and Dr. Parsons.

The full report of the Committee appears in the Winter issue of the *Wyoming Law Journal* (Vol. 18, No. 2) and no good purpose would be served by a repetition of the details therein contained. Suffice to say that if any member of the Bar has not read the Report, he should do so, as the Committee believes that there is valuable information in the Report for every lawyer in the State.

Similar surveys and reports have been made in Virginia, New Mexico, Idaho, Indiana, Maine, Montana, Utah, and Vermont. The active lawyer of today, whether he be in private practice, government service, or full-time counsel for corporate clients, is much interested in the economic aspects of his profession, as he well should be.

I have recommended to President Richard Bostwick of Casper that the Committee on Bar Economics be continued under a new Chairman, and that it continue to devote its attention to the Economics of the Law, and that it give particular attention to a revision of the 1960 Schedule of Minimum Fees.

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REPORT OF SPECIAL COMMITTEE TO STUDY METHODS OF FIXING  
ANNUAL LICENSE FEES FOR MEMBERS OF WYOMING  
BAR ASSOCIATION

D. N. Sherard and myself, serving as a special committee, per request in letter of President Jerry W. Housel, of January 15, 1964, make this report. Jerry asked that we make a study of the proposal to either amend or eliminate the statutes with reference to fixing the annual license fee for members of the state bar. Per your request, we make same in writing to you for transmittal to the committee meeting at Cody.

In his letter, Jerry suggested that there was some issue among lawyers, as to whether or not the function of fixing the bar fees should be left to the

Legislature, or not. Some feeling that this was the manner in which it should be left. Others, however, apparently feeling that this function should be left in the hands of the Supreme Court of Wyoming and thereupon by Supreme Court Rule.

We have procured a breakdown of the manner in which annual fees are fixed in other states having a unified or integrated bar. We note that 12 of the states pursue the method of statutory regulation. We note that 5 of the states authorize the fixing of bar dues by the Board of Governors or Commissioners, without further authority. We also note that 4 associations fix their own fees, with, however, either outright approval of the Supreme Court or Court of Appeals, or in the instance where the bar association dues would exceed a specified amount. We note further, that 8 of the states permit the fees to be set by either the Supreme Court (or other appellate court), without consultation with the members of the bar, members of the Board of Governors, Commissioners, etc.

The experience of the other states is obviously varied and quite evenly split, and we believe offers little help in our situation.

We note that Section 5-22 W.S. 1957 (which appears to be unamended), leaves the discretion in our Supreme Court in that this statute provides: "The Supreme Court—shall, from time to time, adopt and promulgate such rules and regulations as to the Court may seem proper:" (D) "Fixing the schedule of fees to be paid for the purpose of administering this Act, and rules and regulations—for the collection and disbursement of such fees, provided that the annual fees shall not exceed the sum of ten dollars (\$10.00)."

This Act was passed by the Legislature, Laws of 1939, Ch. 97, and is in conflict with the later enactment, which is, Chapter 212, S.L. of 1957. This latter section provides for an annual license fee of \$20.00 per year, except for those members who get credit for less than 5 years of practice, for whom the annual fee is \$10.00 per year. It would appear that THERE SHOULD BE AN AMENDMENT OF CHAPTER 212 S.L. 1957, TO REMOVE FROM THAT SECTION ALL REFERENCE TO THE AMOUNT OF THE ANNUAL LICENSE FEE. It would appear that other portions of this Chapter are important and should be retained.

It seems clear, that continued costs of operation (of any organization or agency) will vary with the degree of inflation inherent in our economy. We recognize that the governors and administrators of our Association will need more funds in the future, if not now, and that some resilient manner must be devised to permit, at least on an annual basis, the machinery for increase in membership fee, as required.

Considering then, the above factors, we would offer the recommendation as follows herein; bearing in mind that to leave the fixing of the fees COMPLETELY in the hands of our Supreme Court, would lead to some dissatisfaction with the deficiency or excessiveness of the fee fixed by the Court, without consultation and advice from the administrative officers of the Wyoming State Bar; that it might be best to *place the actual fixing of the*

*annual fee in the hands of the Supreme Court, without limitation in dollar amount, BUT THE COURT WOULD FIX THE ANNUAL FEE WITH THE ADVICE OF THE FOUR (4) ELECTIVE OFFICIALS OF THE BAR, i.e., THE PRESIDENT, PRESIDENT-ELECT, VICE-PRESIDENT AND SECRETARY-TREASURER.*

Specifically, we would offer and suggest that part (D) of Section 5-22, W.S. 1957, be amended to read as follows, (offered as part of our Legislative program) ;

- (D) "Fixing the schedule of fees to be paid for the purpose of administering this act, and rules and regulations to be prescribed, adopted, and promulgated hereunder for the collection and disbursement of such fees, provided that the annual fees shall . . . BE SO ESTABLISHED BY THE SUPREME COURT ANNUALLY OR AS REQUIRED, ONLY AFTER CONSULTATION WITH AND UPON THE ASSISTANCE AND ADVICE OF FOUR (4) ELECTIVE OFFICERS OF THE WYOMING STATE BAR, VIZ: THE PRESIDENT, PRESIDENT-ELECT, VICE-PRESIDENT and SECRETARY-TREASURER."

We also suggest, that Section 2-406 W.S. 1957 (Ch. 212 S.L. of Wyoming, 1957) be amended to read as follows:

All members of the State Bar, except honorary and retired members shall, on or before the second week of August, 1941, and annually thereafter, pay to the Treasurer of the State Bar, as a license fee for the ensuing year, THE LICENSE FEE ESTABLISHED BY THE SUPREME COURT OF THE STATE OF WYOMING, WITH THE ADVICE OF THE PRESIDENT, PRESIDENT-ELECT, VICE-PRESIDENT and SECRETARY-TREASURER OF THE WYOMING STATE BAR. Such fees shall constitute a fund to be held and disbursed by the Treasurer upon order of the Board. As soon as practicable after the second week in July in each year, the Secretary-Treasurer shall send a written statement to each member of the State Bar. If any member remains in default on the first day of December of any year, the Secretary-Treasurer shall forthwith certify to the Judge of the District Court of the Judicial District wherein such delinquent member resides, the name of such member. The Judge shall forthwith issue against such member a citation returnable twenty days thereafter to show cause why such delinquent member should not be suspended from the practice of law in this State. If good cause be not shown in response to such citation, such delinquent member shall be suspended while in default of payment and an Order of Suspension shall issue forthwith and be certified to the Supreme Court; provided, that if upon the hearing, the Judge of the District Court shall determine that the member in default is unable to pay his license fee, then the Judge may remit or suspend in whole or in part the payment of such license fee for the year by order duly entered and certified to the Supreme Court. The Fiscal year of the State Bar shall be from August 1st to July 31st."

We regret that prior commitments prevent either of us from being with you next week. No doubt a full discussion of this matter in committee

would have brought forth some better proposals. We hope that the foregoing will be of some assistance in arriving at suggested legislation (that no member of the Legislature would find repugnant) and will enable the adjustment of the bar dues up or down, to suit conditions.

Very truly yours,

MILTON R. FOE  
Chairman

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## REPORT OF LEGAL EDUCATION AND ADMISSION- TO THE BAR COMMITTEE

### *LEGAL EDUCATION:*

The committee published and mailed in mimeographed form a summary of noteworthy federal and state decisions in January and May of 1964 and will distribute a recent summary at the State Bar convention in Cody. We had hoped by this means to incorporate important tax rulings or decisions, unappealed District Court decisions of unusual points of law, and unique decisions from other jurisdictions, as well as the federal and state decisions rendered on Wyoming actions. In the final analysis the only contributions were of the federal and state decisions. It is difficult to know if this mode of keeping the members of the Bar up-to-date on recent decisions is worth the time and expense involved. It costs approximately \$35.00 for addressed envelopes and stamps, and approximately ten (10) hours of time are consumed in cutting the stencil, mimeographing, folding and processing to the point of delivery at the post office. Some response from the lawyers around the State was received but overall it appears as though this program achieved little commensurate with the expense and time consumed.

It was decided at the meeting of the committee held after the State Bar convention in Laramie that certain material on mortgages and the enforcement thereof would be prepared by members of the committee and submitted for panel discussions. Three of the lecture outlines as used in the State of Pennsylvania were ordered through the American Law Institute and distributed for use in preparing the material for presentation. The subject was divided into three parts:

1. Mortgage forms, contents, liens and priorities.
2. Discharge, satisfaction and enforcement of mortgages.
3. Receiverships.

Mr. George Rudolph, Professor of Law, University of Wyoming Law School, agreed to review drafts with the thought in mind of making suggested changes and recommendations. Two (No. 1 and 3) of the sections have been prepared and are ready for presentation. The committee recommends in view of the research involved that the next committee on continuing legal education continue this project and submit to the various areas in the State of Wyoming