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Committee Reports

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COMMITTEE REPORTS

ATTORNEYS' ASSISTANCE COMMITTEE

By Gregory C. Dyekman, Chairman

The Attorneys' Assistance Committee (formerly the Alcohol and Substance Abuse Committee) has continued its efforts to establish a program that can be of assistance to the entire membership of the bar either directly or indirectly. Proposed rules concerning the function of the committee have been submitted to the Wyoming Supreme Court. Among the substantive provisions of the proposed rules are provisions dealing with qualified immunity for the committee members as they carry out their duties in good faith and provisions assuring the confidentiality of the committee's work. Once these rules are adopted, the committee will implement a set of operational guidelines that have been adopted by the committee.

As the committee prepares to go from its formative stage to its functional phase, it is mindful of the recommendations contained in a proposed draft of a resolution by the American Bar Association Commission on Impaired Attorneys. The committee believes that the program it seeks to implement meets all principles set forth in that recommendation, which include the following:

1. A state-wide lawyer assistance program should be established and supported as a standing committee of the Bar.
2. The confidentiality of those who seek help from a lawyer assistance program must be maintained through a rule of court or a legislative act.
3. Members of the profession who serve in lawyers assistance programs should be immune from civil liability.
4. Strong, but not exclusive, ties with the recovering community should be maintained.
5. Strong working relationships should be maintained between state and local programs and their sponsoring bar organizations.
6. Monitoring programs should be created to insure that all attorneys comply with any term of probation and to assist them in their recovery and return to practice.
7. Disciplinary agencies should establish and maintain a system for the referral of lawyers with substance abuse problems to the substance abuse program.
8. An educational element should be developed to inform the public, the judiciary, the bar, law students and the disciplinary agencies of the assistance that is available for those in need.

9. A substance abuse lecture should be part of the continuing legal education of each bar and the curriculum of each law school.

10. A periodic review of the program should be accomplished.

The committee is pleased to participate in the CLE offering on professionalism at this year's bar convention and hopes to be able to carry its educational message to the bar through articles in the *Wyoming Lawyer* and through local bar associations. The committee plans to work closely with the judiciary of the State to provide its services to attorneys and judges alike.

The committee is still seeking names of attorneys and judges throughout the State who would be willing to assist the committee in (1) helping with local pre-intervention investigation; (2) providing intervention support, peer counseling and follow up assistance; and (3) providing some practice maintenance help for attorneys while they are in treatment. The response of those who have contacted the committee already has been gratifying, but more help is necessary.

The work of this committee is important, not only to the attorneys involved, but to their clients and to the perception of the profession by the public in general. The members of the committee have worked to provide a program which can meet the needs of the bar and judiciary of this State without undue expense and hoopla. The support and cooperation of all attorneys and judges in the State will be necessary for the program to function as designed. Your committee pledges to earn that support in the coming months. The chairman gives his personal thanks to the committee members, Hon. James Wolfe, Bill Hjelmstad, John Maier, John Rosetti and John Murphy.

BUDGET COMMITTEE

By Richard E. Day, Chairman

This year's budget was redrafted to correspond more closely to services and operations of the bar. Individual budgets were drafted for each of the general categories for expense and income listed below.

Dues and interest for the past year will amount to about \$336,000, an increase of about \$7,000. Revenue from other, unrestricted sources—primarily publications sales and advertising—will also increase by about ten percent overall.

Overall expenses for the next year will increase slightly over the current fiscal year, since the position of executive director will be re-staffed. The bar will have reduced expenses in some areas next year, though expenses for the Board of Professional Responsibility and some committees will increase.

The following breakdown illustrates **BUDGETED EXPENSES** for the Bar's general operations:

	Actual 1988-89	Projected 1989-90	Projected 1990-91
Staff salaries and payroll costs	\$156,760	\$134,618	\$155,622
Rent, Utilities, leases & supplies	\$36,347	\$37,660	\$31,106
Postage, Telephone audit & other exp.	\$55,645	\$31,500	\$16,750
Staff, officer and committee travel	\$24,294	\$33,250	\$35,000
Annual Meeting	\$63,263	\$51,900	\$53,717
Publications and communications	\$41,020	\$58,006	\$56,606
Grievance	\$22,390	\$17,850	\$26,700
Bar Committees	\$4,240	\$5,800	\$8,375
CKE programs	\$8,870	\$10,948	\$11,250
Totals	\$412,829	\$381,532	\$395,126

The following chart lists **PROJECTED INCOME** for the coming fiscal year:

	Actual 1988-89	Projected 1989-90	Projected 1990-91
Dues, interest and supervisory fees	\$325,454	\$331,706	\$342,381
Communications	\$10,093	\$15,800	\$16,200
Annual Meeting	\$46,023	\$51,900	\$53,717
CLE programs	\$4,829	\$10,948	\$13,525
Totals	\$386,399	\$410,354	\$425,823

This year's Budget Committee consisted of Richard E. Day, Richard M. Davis, Jr., David D. Uchner and Eric M. Alden.

STATE BOARD OF CONTINUING LEGAL EDUCATION

By Thomas E. Lubnau, II, Chairman

Pursuant to the newly amended Rules of Continuing Legal Education, the Board met several times during the 1989-90 year. Topics of discussion included rule changes, approval or disapproval of continuing legal education programs and motions for suspension of attorneys from the practice of law for failure to meet CLE requirements.

Examples of programs not approved for CLE credit include audio cassette programs, coursework for a Master's Degree and viewing the videotape of the reenactment of the Lee Harvey Oswald trial.

Those persons who were two or more years delinquent in their CLE requirements were notified the first of June of their delinquency and later served with formal notice on the fifteenth of June. In the early June notification, a list of CLE programs available in the month of June was distributed to all those people short CLE hours. Accordingly, three members complied with the Board's directive by July 1, 1990. Three lawyers opted to assume inactive status with a letter to the State Bar stating they were no longer actively practicing law in

Wyoming. Fifteen members, having petitioned the Board for hardship, or having made definite plans to attend specific seminars in July, August and September, 1990, were granted extensions until September 15, 1990 to bring themselves into compliance.

For those who failed to respond or bring their records into compliance, recommendations of suspension were made to the Supreme Court on July 6, 1990. The Board voted to submit the names of ten attorneys. Board staff was subsequently ordered to prepare notification to the Supreme Court of those lawyers with recommendations of suspension. Board staff was also ordered to notify those members granted extension of the September 15, 1990 deadline.

Finally, the Mandatory Continuing Legal Education records have been comprehensively and manually audited for all members of the Wyoming State Bar. The audit was designed to update and correct any errors in the system.

Members of this year's board included Thomas E. Lubnau, II, Gillette; Stuart R. Day, Casper; W. Perry Dray, Cheyenne; Sue Kearns, Rock Springs; Patrick Meenan, Casper; Leo R. Sanchez, Casper; Patricia Schick, Laramie; and James R. Schumacher, Cheyenne.

CONTINUING LEGAL EDUCATION COMMITTEE

By William F. Downes, Chairman

The Continuing Legal Education Committee organized three major events in 1989-90, including an administrative law seminar at the University of Wyoming in the Fall of 1989, the Trelease Symposium in Jackson in March, and the program for the 1990 Annual Meeting in Sheridan. All these programs relied heavily on the talent and assistance of the UW Law School, in addition to the experience and work of the Committee.

The administrative law seminar drew nearly forty participants to Laramie for the seminar, which coincided with the Wyoming-CSU football game. A similar event this year, to be announced, will take place November 10 on the date of the UW-BYU matchup.

The Trelease Symposium attracted about seventy-five people to Jackson, nearly double the figure of the previous year. The turnout enabled the natural resources seminar to more than break even: it recovered \$30 over expenses, with help from the UW Law School. The keynote speaker for the event, former Arizona Governor Bruce Babbitt, contributed significantly to the program.

In all, the CLE Committee spent \$11,250 in the past year, and it made \$13,525, very nearly breaking even.

Members of the Committee this year included William F. Downes, Casper; Timothy O. Beppler, Evanston; Richard P. Boley,

Cheyenne; Kim D. Cannon, Sheridan; Floyd R. King, Jackson; E. George Rudolph, Laramie; Mark S. Squillace, Laramie; Judy A. Studer, Casper; and Rhonda S. Woodard, Cheyenne.

CLIENT'S SECURITY FUND COMMITTEE

By Mary Bell Guthrie, Chairman

During the last fiscal year, three claims were filed with the Committee and are currently pending.

The last fiscal year contrasted significantly with the preceding one. During 1988-1989, several claims were approved, mostly stemming from twenty-two individual claims against the same attorney. In all, nearly \$15,000 in claims were approved for payment that year.

At the time the claims were due, there was not a sufficient amount of liquid capital in the Client Security Fund to cover all of the claims. Therefore, in October 1989, the Chairman met with the Bar Commissioners and requested that the Commissioners advance funds to pay the claims. The Board subsequently authorized a trade of liquid capital for one of the Committee's CDs, and the claims were awarded and settled just into the 1989-90 fiscal year.

Members of the Client's Security Fund for the past year included Mary Bell Guthrie, Cheyenne; Robert G. Berger, Sheridan; Kermit C. Brown, Rawlins; Charles S. Chapin, Casper; John W. Davis, Worland; Fred W. Dilts, II, Douglas; R. Douglas Dumbrell, Sundance; Charles P. Resor, Jackson; and F. L. Thomas, Jr., Kemmerer.

JUDICIAL SUPERVISORY COMMITTEE

By Richard E. Day

Under the Commission Rules, all papers filed with and proceedings before the Commission are confidential, except that the Commission may release, to such entities as determined by the Commission, statistical information concerning the number of complaints filed, the number of complaints acted upon by the Commission and the number of complaints which have resulted in affirmative action by the Commission. This report is made subject to that limitation and restriction.

The basic function of the Judicial Supervisory Commission is to review and investigate complaints made to it alleging facts indicating that a judge may have conducted himself in such a manner as to constitute misconduct that is prejudicial to the administration of justice and that brings the judicial office into disrespect or that a judge has a disability which seriously interferes with the performance of his duties. The investigation by the Commission can be made upon a verified statement from a third party or by the Commission on its own motion. If the preliminary investigation does not disclose sufficient

cause to warrant further proceedings or if the complaint is obviously unfounded or frivolous, then the Commission may dismiss such complaint. Each complaint or statement that is received by the Commission is reviewed by the individual Commission members. At periodic meetings, the complaints are reviewed by the Commission as a whole and a determination is made whether to initiate a preliminary investigation of a complaint. If a preliminary investigation is conducted, the judge involved is invited to respond to the complaint and that response is again reviewed by the Commission at its next meeting. If after the preliminary investigation has been completed the Commission decides that formal proceedings should be instituted, the Commission will institute such proceedings by notifying the judge and proceeding in accordance with the rules of the Judicial Supervisory Commission as adopted by the Supreme Court of the State of Wyoming. In the event the Commission determines that some action should be taken concerning a judge's conduct, the Commission will make the appropriate recommendation to the Wyoming Supreme Court.

A vast majority of the complaints that are received by the Commission involve statements of dissatisfaction with rulings of a particular judge. Generally, those matters are not within the jurisdiction of the Commission, and are, more properly, subject to appellate procedure and judicial review.

In the year 1989, seventeen (17) complaints were received by the Commission. Of those complaints, fourteen (14) were dismissed without preliminary investigation and three (3) were the subject of preliminary investigations requiring responses from the judge involved. The preliminary investigation of those three matters did not disclose sufficient cause to warrant further proceedings and the matters were dismissed.

During the calendar year 1990 to date hereof, twenty-two (22) complaints have been received by the Commission. Ten (10) complaints were dismissed without preliminary investigation. Eight (8) complaints were determined to warrant preliminary investigations. Upon completion of the preliminary investigation, seven (7) of those complaints were dismissed and one (1) resulted in a waiver of formal hearing and a recommendation to the Supreme Court that the judge involved be censured. Four (4) of the complaints received during the year to date are still pending.

The activities of the State of Wyoming Judicial Supervisory Commission are financed through biennium appropriations through the state legislature.

THE STATE BOARD OF LAW EXAMINERS OF WYOMING

By William H. Vines, President

The Wyoming State Board of Law Examiners administered the Bar exam twice in the past fiscal year: on February 21-22 and on July 24-25. Both were administered at the University of Wyoming College of Law. One or both portions of the exam were given to twenty-nine persons in February, and forty-three persons in July. As a result, fifty-three persons passed the bar, while nineteen failed one or both portions. The average pass rate for both the February and July exams was sixty-four percent, consistent with figures in past years.

The Board also considered a number of applicants for admission on motion over the past fiscal year, and as a result, eleven attorneys were recommended to the Supreme Court and were granted membership in the bar.

In other business, the Board resolved to renew its opposition to W.S. 35-5-105, which provides for examination of candidates who have attended one or two years of law school in addition to one or two years of study in a licensed attorney's office. The matter may be brought before the Wyoming Legislature sometime in the next two sessions.

A Code of Recommended Standards for Bar Examiners promulgated by the National Conference of Bar Examiners will be studied in the coming year along with rules of procedure for investigations of moral character and fitness regarding applicants for admission on motion.

The 1989-90 Board consists of Calvin E. Ragsdale of Green River; Weston W. Reeves of Casper; Thomas C. Toner of Sheridan; William Vines of Wheatland; and Rhonda S. Woodard of Cheyenne.

LEGAL AID SERVICES COMMITTEE

By Robert A. Oakley, Chairman

This Committee consists of the following members: Berthenia Crocker, Ethete; Jean A. Day, Jackson; Susan Feinman, Cheyenne; Curtis Lee Harden, Casper; Mark W. Harris, Evanston; Robert A. Oakley, Cheyenne; James Peck, Newcastle; and Dan Price, II, Bar Liaison. The Committee met twice this past year and looked into two issues.

The first was referred to the Committee by the Wyoming Bar Foundation to assist in the implementation of the IOLTA program. To that end, the Committee intends to have members responsible for coordinating the implementation by Bar Districts and at the county

level. Members will work with local bar presidents' designees for this task along with the Bar Commissioners, the Foundation and the State Bar Staff.

The second issue the Committee is investigating is developing a written document on the "Unmet Legal Needs of Wyoming." This document would be limited to analyzing the following areas: criminal, civil, elder law, and developmental disabilities. As of yet, this written piece is in the early stages, and any input from the bar would be appreciated.

Included with this report are the Pro Bono resolution statistics from the Wyoming legal services programs.

LEGISLATIVE COMMITTEE

By H. M. "Hoke" MacMillan, Chairman

The Legislative Committee of the Wyoming State Bar sorted through all of the 403 bills introduced in this year's budget session in order to review those that could have a major impact on the legal profession.

Although the committee looked closely at about two dozen bills, all but a few of those failed introduction, mostly due to the record number of bills filed in a budget session.

Proposed laws to promote legislative history and accountability received the strongest endorsement from the committee. Consistent with the bar's legislative and lobbying policies, the officers considered and accepted the recommendation of the committee to lobby in support of a trio of house bills to create a legislative journal and establish electronic voting.

Only one bill survived the cut that was judged of significant interest to the general membership, a senate file to raise the salaries of Wyoming judges. The bill, endorsed by the Intergovernmental Judicial Study Commission, sought to increase judicial salaries to a level more equitable with regional averages. The Bar lobbied to support the measure along with Chief Justice Joseph Cardine and other organizations and individuals.

MEDICAL SOCIETY/STATE BAR LIASON COMMITTEE

By Gary Yordy, Chairman

The Wyoming State Bar/Medical Society Liaison Committee met once in 1990 to discuss a revised draft of PRINCIPLES OF COOPERATION document, as developed by the Committee.

Dr. Gary Yordy, Chairman, led a discussion concerning the further disposition/adoption of the PRINCIPLES OF COOPERATION

document. He briefed Committee members on the recent history of the project, and asked for suggestions about each organization's consideration of the principles as guidelines for interprofessional relations.

It was the consensus of the Committee that each organization should re-examine the document, preceding possible adoption/approval as recommended voluntary guidelines for dealings between members of the two professions. It was noted that an additional purpose of adoption of the principles as guidelines would be to provide a persuasive tool for resolution of differences arising from business/professional interactions. The potential that the document could be used by the courts was identified as an additional positive factor.

Both organizations were asked to notify the Committee of each's disposition of the Committee's recommendation at the earliest opportunity. Typographical errors were identified and directed to be changed.

There was discussion among Committee members about the possibility that the Committee could look at procedural and related issues, which would involve making judicial and litigation procedure more efficient. A consensus emerged to express an interest in providing input in this area to several parties in some measure responsible for streamlining the system.

Members of this year's committee included Dr. Gary Yordy, Cheyenne; Michael K. Davis, Sheridan; Dr. Rod Holland, Laramie; Richard Rideout, Cheyenne; Carole Shotwell, Cheyenne; and Robert W. Tiedeken, Cheyenne.

NECROLOGY COMMITTEE

Stephen H. Graham

Stephen H. Graham was born in Pueblo, Colorado, April 16, 1951. He was admitted to the Wyoming State Bar in 1978. He received his B.S. Degree from the University of Wyoming in 1973 and his J.D. Degree in 1977. He was President of the Wyoming State Student Bar Association from 1976 to 1977. He served as Deputy Town Attorney from 1978 to 1980 and as Town Attorney since 1981. He was a member of the Goshen County Bar Association, the American Bar Association and the Association of Trial Lawyers of America.

John J. James

John J. James, 42, died in Rock Springs on June 7, 1990. He was born May 1, 1948 in Rock Springs, the son of William F. and Katherine Kobler James Jr.

He received a bachelor of arts degree from the University of Dayton, Ohio in 1970. He was a graduate of the University of Wyoming

School of Law in 1973. James was a partner in the James and James Law Firm in Rock Springs.

He served as legal counsel for the Memorial Hospital of Sweetwater County, the Southwestern Wyoming Rehabilitation Center and the Sweetwater County School District No. 1. He was a member of the SS. Cyril and Methodius Catholic Church, the B.P.O. Elks, Wyoming State Bar, the Safari Club International, American Bar Association and the Wyoming Trial Lawyers Association.

He was the Assistant Rock Springs Municipal Judge and Sweetwater County Court Commissioner. He was also a former Deputy Sweetwater County Prosecuting Attorney.

Thomas E. Lubnau

Thomas E. Lubnau, longtime Wyoming attorney and former Wyoming State Bar President, died after serving the legal profession and the community of Gillette for thirty years.

Born in Michigan in 1931, Mr. Lubnau graduated from the University of Wyoming Law School in 1960. He served as a municipal court judge in Gillette in the early years of his practice.

As an active member of the State's legal community, he served as a commissioner and president of the state bar in 1979 and 1980. He also served on numerous other committees, including the Judicial Supervisory Commission.

Mr. Lubnau was the senior partner in the Gillette law firm of Lubnau & Lubnau. He is survived by his wife Cynthia, his sons Thomas and Robert, and a daughter, Kathryn.

George M. Porter

George M. Porter died March 16, 1990, in Canby, Oregon.

He was born January 16, 1915, in Crawford, Nebraska. He graduated from the University of Nebraska Law School in 1939, and practiced law with his father in Crawford before entering the service in 1941. He was a major in the Judge Advocate General's Department, U.S. Army, and served until 1945.

George was a member of the Nebraska and Wyoming Bars. He received his 50-year plaque from the Wyoming State Bar in 1989.

George was a partner in the firm of Williams, Porter, Day and Neville, P.C., and its predecessors, in Casper, for twenty-eight years until 1988, when he retired and moved to Canby.

He was a member of the Board of Trustees of the Rocky Mountain Mineral Law Institute for several years, and President of the Natrona County Bar Association when that organization received the J.

Harrison Tweed Award from the American Bar Association for its sponsorship of the Legal Aid Services in Casper and Natrona County.

PERMANENT RULES ADVISORY COMMITTEE

By G.G. "Greg" Greenlee, Chairman

At the request of then Chief Justice Joseph Cardine, the committee has undertaken a comparison of the Federal Rules of Civil Procedure, as presently amended, with the Wyoming Rules of Civil Procedure, to determine what amendments may be appropriate based upon the federal practice, as well as to consider what amendments may be appropriate to the Wyoming Rules generally. Based upon recent communications from Chief Justice Urbigkit, the Supreme Court desires to continue the general evaluation of Wyoming's rules of civil procedure.

The committee has been engaged in a discussion of the necessity for and the possible forms of rules for various types of alternative dispute resolution. While it is not the committee's purpose to usurp or to duplicate the work of Chief Justice Cardine and those judges who are presently using one form or another of ADR, the committee recognizes that there are various types of dispute resolution which courts and litigants can consider.

The committee has commented to the Chief Justice with respect to adoption of rules concerning limitation on the length of time an individual can be held in prison for civil contempt (the committee deciding that there was not present need for a rule on that subject); and has referred to other bar committees proposed changes in the rules relating to a change of judges in minor courts. The Permanent Rules Advisory Committee (Civil Division) will meet during the annual meeting of the Wyoming State Bar in Sheridan.

Members of this year's committee included Greg Greenlee, Casper; John M. Daly, Gillette; Nancy G. Hinckley, Basin; Richard H. Honaker, Rock Springs; Hon. Larry L. Lehman, Rawlins; George Santini, Cheyenne; Joel Selig, Laramie; and Hon. William A. Taylor, Douglas.

BOARD OF PROFESSIONAL RESPONSIBILITY

By Dean W. Borthwick, Chairman

In 1989, the last year for which full statistics are available, the following discipline was imposed: 8 informal admonitions; 9 private reprimands; 2 suspensions; and 1 transfer to disability inactive status.

Since the last report of the Board of Professional Responsibility, the following cases have been filed: (Cases are dismissed generally because the facts did not prove the allegations or no unethical conduct

occurred).

The following types of cases give rise to the number of grievances indicated:

Domestic relations	33
Criminal	11
Personal Injury	10
Wrongful termination/Employment	6
Commercial	5
Wills & Estates	5
Real Estate	5
Bankruptcy	2
Involuntary Commitment	2
Tax	2
Partnership Dissolution	1
Landlord/Tenant	1
Conservatorship	1
Worker's Compensation	1
Juvenile	1
General civil	1
Trust Administration	1

<u>Docket No.</u>	<u>Disposition</u>	<u>Type of Case & Allegations of Misconduct</u>
63-89	Pending	Partnership dispute; conversion of funds.
64-89	Pending	Domestic relations; lack of diligence; excessive fees; failed to follow client's wishes.
65-89	Pending	Criminal defense; conflict of interest.
66-89	Pending	Personal injury; lack of diligence; poor communication.
67-89	Pending	Domestic relations; lack of diligence; incompetence; refuses to turn over property; assaulted client.
68-89	Pending	Landlord/Tenant; lack of diligence.
69-89	Dismissed	Domestic relations; aided client in concealing children.
70-89	Dismissed	Domestic relations; lack of diligence; lack of communication.
71-89	Pending	Domestic relations; lack of diligence; lack of communication.

72-89	Interim	Suspension Attorney convicted of felonies.
73-89	Dismissed	Conservatorship; lack of diligence lack of communication; excessive fees.
74-89	Pending	Attorney abandoned practice.
75-89	Dismissed	Domestic relations; soliciting perjured testimony; aiding disappearance of children.
76-89	Dismissed	Worker's compensation; lack of diligence and communication.
77-89	Dismissed	Probate; lawyer for estate refuses to cooperate with estate creditor.
78-89	Dismissed	Domestic relations; lack of diligence.
79-89	Dismissed	Domestic relations; lack of diligence and competence.
80-89	Dismissed	Estate; neglect.
81-89	Pending	Estate; incompetence.
82-89	Pending	Real estate; forgery.
83-89	Pending	Real estate; attorney altered plat.
84-89	Dismissed	Probate; conflict of interest.
85-89	Dismissed	Bank loan; conflict of interest.
86-89	Dismissed	Domestic relations; refused to return unearned portion of fee; misrepresentation.
87-89	Dismissed	Involuntary commitment; misrepresentation.
88-89	Dismissed	Involuntary commitment; misrepresentation.
89-89	Pending	Domestic relations; ex parte contact with judge.
1-90	Interim	Attorney facing felony charges; Suspension referred for interim suspension.
2-90	Pending	Domestic relations; falsified evidence.
3-90	Pending	Domestic relations; incompetence; lack of diligence.
4-90	Pending	Commercial; conversion of funds.
5-90	Pending	Trust administration; misrepresentation.
6-90	Pending	Juvenile; lack of diligence.
7-90	Dismissed	Domestic relations; misrepresentation; giving advice to someone not a client.

8-90	Pending	Bankruptcy; neglect; malpractice.
9-90	Pending	Domestic relations; attorney disregarded restraining order.
10-90	Pending	Real estate; corporate; conflict of interest; neglect.
11-90	Dismissed	Domestic relations; incompetence.
12-90	Dismissed	Domestic relations; neglect; excessive fee.
13-90	Pending	Criminal defense; lack of diligence.
14-90	Pending	Domestic relations; conflict of interest.
15-90	Pending	Bankruptcy; incompetence.
16-90	Pending	Corporate; lack of diligence; attorney did not refund unearned portion of fee; lied to client.
17-90	Dismissed	Personal injury; lack of diligence.
18-90	Dismissed	Domestic relations; lack of diligence.
19-90	Informal	Personal injury; opposing Admonition counsel contacted represented party.
20-90	Pending	Domestic relations; lack of diligence; excessive fee.
21-90	Pending	Wrongful discharge; inadequate preparation; incompetence; excessive fee.
22-90	Dismissed	Personal injury; client not kept fully informed.
23-90	Pending	Domestic relations; withheld money of third party.
24-90	Dismissed	Criminal prosecution; lied to judge; acted outside scope of authority.
25-90	Pending	Criminal defense; refused to abide by client's wishes; misrepresentation; incompetence.
26-90	Pending	Wrongful termination; improper contact with party.
27-90	Pending	Wrongful termination; attorney filed frivolous grievance.
28-90	Pending	Domestic relations; incompetence.

29-90	Pending	Personal injury; attorney refuses to pay another attorney in quantum meruit out of settlement.
30-90	Pending	Criminal defense; misrepresentation.
31-90	Pending	Domestic relations; incompetence; refused to follow client's wishes.
32-90	Pending	Personal injury; attorney let statute of limitations run.
33-90	Pending	Domestic relations; attorney refused to draft order as requested by judge.
34-90	Pending	Probate; conflict of interest.
35-90	Pending	General civil; attorney concealing whereabouts from creditors.
36-90	Pending	Criminal prosecution; jury tampering; filed charges without probable cause.
37-90	Pending	Wrongful termination; attorney fabricated letter.
38-90	Pending	Domestic relations; fraud on the court.
39-90	Pending	Tax; attorney lied about work being done.
40-90	Pending	Personal injury; misused client funds; did not segregate client funds.
41-90	Pending	Prosecution; filed false charge.
42-90	Pending	Criminal defense; neglect.
43-90	Pending	Partnership dissolution; misrepresentation; filing frivolous pleadings.
44-90	Pending	Domestic relations; attorney did not appear at hearing.
45-90	Pending	Real estate; attorney did not serve opposing counsel as required by rules.
46-90	Pending	Domestic relations; attorney did not follow client's wishes.
47-90	Pending	Domestic relations; attorney did not serve opposing counsel with documents.
48-90	Pending	Criminal prosecution; suborning perjury.

49-90	Pending	Real property; attorney contacted one represented by counsel.
50-90	Pending	Commercial; conflict of interest.
51-90	Pending	Personal injury; frivolous complaint.
52-90	Pending	Domestic relations; conflict of interest; lack of diligence; excessive fee.
53-90	Pending	Domestic relations; false statements of fact in motion to court.
54-90	Pending	Domestic relations; lack of diligence.
55-90	Pending	Criminal defense; failed to interview alibi witness.
56-90	Pending	Tax; lack of diligence.
57-90	Pending	Personal injury; attorney incurred costs without consent of client.
58-90	Pending	Domestic relations; attorney represented client in case he was formerly a judge on.
59-90	Pending	Domestic relations; excessive fee; neglect; failure to communicate.
60-90	Pending	Personal injury; harassment of fellow attorney.
61-90	Pending	Criminal defense; incompetence.
62-90	Pending	Domestic relations; misrepresentation; incompetence.
63-90	Pending	Employment; lack of diligence and competence; communication.
64-90	Pending	Commercial; threat of criminal prosecution to gain advantage in a civil matter.

The following allegations were raised in the following number:

Lack of diligence	21
Incompetence	13
Misrepresentation	11
Lack of communication	8
Conflict of interest	6
Neglect	6
Excessive fees	5
Failed to follow client's wishes	4
Other	36

Members of the 1989-90 Grievance Committee included Dennis L. Sanderson, Afton; Dean W. Borthwick, Cheyenne; Kathleen A. Hunt, Laramie; James L. Edwards, Gillette; and Joseph E. Vlastos, Casper. Thomas J. Rardin of Laramie served the Committee as investigator, and Mary Beth Senkewicz of Cheyenne served as Executive Secretary and Counsel.

PUBLIC INFORMATION COMMITTEE

By David D. Uchner, Chairman

The Public Information and Communications Committee was composed of the following: David D. Uchner, Chairman; Richard E. Day of Casper and Rhonda Sigrist Woodard of Cheyenne.

The purpose of this committee was to provide assistance to the Director of Communications of the State Bar office regarding the Bar's public information policies. The leadership of the State Bar has long recognized the importance of these matters. Although a great deal of progress has been made over the past couple of years, it is the recommendation of this Committee that a more aggressive stance be taken in the year 1990-1991.

PUBLIC INFORMATION SUBCOMMITTEE

By Susan L. Feinman, Chairman

During this last year, the Public Information Subcommittee prepared a draft of a consumer's handbook.

The text, which will be distributed through schools, libraries and other outlets, is designed as a resource guide to the legal system for laymen. It incorporates many of the consumer pamphlets currently distributed by the bar, along with a general description of the State's court system, a glossary of legal terms and references for different legal resources.

The guide is currently being edited, after which the Subcommittee will review it again before submitting it for publication, sometime

in early or late fall.

Members of this year's committee included Susan Feinman, Cheyenne; Elizabeth Goudey, Laramie; Kathleen A. Kane, Cheyenne; and Matthew Winters, Casper.

RESOLUTION OF FEE DISPUTES COMMITTEE

By Cary R. Alburn, III, Chairman

The Committee enacted a new set of rules and procedures for the resolution of fee disputes in 1989-90. The new rules, approved by the Wyoming Supreme Court in the summer of 1989, provide for binding arbitration for claims filed within ninety days by clients or attorneys.

In the past fiscal year, nine disputes were filed with the committee, and an additional eight were pending from the past fiscal year. Panels formed by members of the Committee convened to resolve eight disputes. Four others were dismissed; those disputes were settled or were filed improperly.

Of the total disputes filed over the past fiscal year, three were filed by attorneys, and six were filed by members of the public. Decisions by the Committee's panels were split nearly evenly between those in favor of clients or attorneys.

The average disposition time for disputes this past year was under three months.

SURVEY COMMITTEE

By David D. Uchner, Chairman

Over the past several years, the Wyoming State Bar has conducted a poll of its members in which the members were asked to evaluate those judges before whom they have appeared in the last year. Our own internal surveys of the membership have indicated that insofar as Wyoming lawyers are concerned, this is an important function of the State Bar.

This year's committee was composed of the following: Dave Uchner, Chairman; Hon. Terry O'Brien; Hon. Nicholas Kalokathis; Jack Stanfield; and Mike Warren.

The Committee has had several contacts with the State Bar office and on March 6, 1990, the Committee met in Cheyenne with the organization handling the Judicial Evaluation Survey. That organization is composed of Kenyon Griffin and Maggi Murdock, both of whom reside in Laramie and are associated with the University of Wyoming. The survey form was updated and various characteristics were to be considered by the lawyers in evaluating the judges including, but not limited to: open mindedness and impartiality; attentiveness; knowl-

edge of substantive law; politeness toward attorneys; and promptness in performing judicial duties.

According to the latest information, the results of the survey will probably be published early in the fall of 1990.

UNIFORM LAWS COMMISSION

By Charles G. Kepler, Chairman

Three members of Wyoming's Uniform Laws Commission, Honorable Richard J. Macy, Charles G. Kepler and Ralph E. Thomas, attended the 99th Annual Meeting of the National Conference of Commissioners on Uniform State Laws held in Milwaukee, Wisconsin July 13 - 20, 1990. The Annual Meeting approved eight Uniform Acts:

Amendments to Uniform Commercial Code, Article 2A Leases; Uniform Commercial Code revised Article 3 - Negotiable Instruments; Uniform Control Substances Act (1990); Uniform Probate Code, Article II - Intestacy, Wills, and Donative Transfers; Amendment to Uniform Statutory Rule Against Perpetuities; Uniform Marketable Title Act; Uniform Periodic Payment of Judgments Act; and Model Surface Use and Mineral Development Accommodation Act.

Preliminary indications are that the Wyoming Joint Judiciary Interim Committee will introduce at the 1991 meeting of the Legislature revisions of Parts 2A, 3, 4 and 4A of Uniform Commercial Code and to repeal Part 6 on Bulk Sales.

Among other legislation, The National Conference is drafting a revision to the Uniform Partnership Act.

Anyone interested in copies of the Uniform Acts should contact one of Wyoming's Commission members.

Members of this year's commission included Charles G. Kepler, Cody; Hon. Richard J. Macy, Cheyenne; John B. "Jack" Speight, Cheyenne; and Ralph E. Thomas, Cheyenne.

WYOMING STATE BAR FY 1990-91 APPROVED BUDGET COVER SUMMARY OF FUND BALANCES

Unrestricted Cash Balance as of September 30, 1990 . . . \$131,320.00

	1988-89	1989-90	1989-90	Proposed
	Actual	BUDGET	Projected	1990-91 Budget
REVENUE				
General Fund	\$326,007	\$350,212	\$331,706	\$282,144*
Communications	\$12,068	\$13,640	\$15,800	\$16,200
Annual Meeting	\$41,456	\$51,900	\$54,577	\$52,107

Bd. Prof. Resp.	\$0	\$0	\$0	\$0
CLE Program	\$4,829	\$10,375	\$10,948	\$13,525
Bar Committees	\$0	\$0	\$0	\$0
TOTAL REVENUE	\$384,360	\$426,127	\$413,031	\$363,976

EXPENSES

General Fund	\$241,245	\$266,176	\$238,025	\$249,618
Communications	\$46,434	\$61,685	\$58,006	\$56,606
Annual Meeting	\$56,416	\$51,900	\$50,380	\$53,717
Bd. Prof. Resp.	\$21,460	\$24,350	\$17,850	\$26,700
CLE Program	\$8,898	\$12,874	\$10,949	\$11,250
Bar Committees	\$1,695	\$4,875	\$4,070	\$6,375
TOTAL EXPENSES	\$376,148	\$421,860	\$379,279	\$404,265

Unrestricted Cash Balance as of September 30, 1991 \$91,030.20

Restricted Revenue	\$85,240	\$93,385	\$133,090	97.67%
Restricted Expenses	\$90,385	\$97,385	\$106,885	9.76%
Net . . .	(\$5,145)	(\$4,000)	\$26,205	

*General Fund Revenue for FY 1990-91 accounts for past overcharges of member dues and is subsequently less than in FY 1989-90.

Members who would like to review the Bar budgets in detail are welcome to request a copy from the Wyoming State Bar.