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## Minutes of the Annual Meeting of the Wyoming State Bar

Wyoming State Bar

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# MINUTES OF THE ANNUAL MEETING OF THE WYOMING STATE BAR

SEPTEMBER 11, 12, 13, 1991  
CASPER, WYOMING

The Annual Meeting of the Wyoming State Bar was convened pursuant to notice on September 13, 1991 at 10:00 a.m. at the Casper Hilton Inn, Casper, Wyoming.

The meeting was called to order by President Richard E. Day. The meeting began with the "President's Report."

## REPORT OF THE PRESIDENT

*Richard E. Day*

The Board of Commissioners of the Wyoming State Bar met 10 times over the course of the 1990-91 fiscal year: on October 19, 1990 in Laramie; on December 20, 1990 by teleconference; on January 17, 1991 by teleconference; on January 28-29, 1991 in Cheyenne, on April 25, 1991 in Gillette; on May 13 by teleconference; on July 11 and 12, 1991 in Saratoga; on July 18, 1991 by teleconference; on July 24 by teleconference (and on September 11, 1991 in Casper).

Much of the year was spent overseeing the implementation of new rules and staff. Over the past five or six years, boards and committees have drafted new rules governing the Bar association for grievance procedures, continuing legal education, and for the resolution of fee disputes. New rules have also recently been drafted by the Client's Security Fund Committee, and an initial draft of proposed rules and procedures is under consideration by the Board of Law Examiners.

Staff changes over the past two years include a new executive director, a new bar counsel, communications director, CLE program assistant and legal secretary. The bar has also hired an assistant bar counsel to help alleviate a backlog built up in 1990 and before, while changes were taking place.

Considering the changes, the Board of Commissioners has strived throughout the past year to assist the standing boards with the administrative refinement of the Bar's three primary licensing functions, which include admissions, grievance, and continuing legal education. Reports from the chairmen of those boards are included in the text of the Bar's annual report that follows.

The Officers and Commissioners have also worked throughout the past year to improve the fiscal accountability of the organization. The fiscal year began with refunds of nearly \$35,000 in past dues

overcharges of new members, discovered as a result of closer attention to collection and accounting procedures. In spite of the dues refunds, the Bar should be able to end the year at a break even point or slightly in the black.

Results are beginning to show in most areas, due to the diligence of the various board members. The Board of Professional Responsibility is beginning to move its backlog and, most importantly, some of the difficult cases that have built up over the past few years. CLE accounting and reporting has been completely reworked and programmed over the past year. The Law Examiners have also begun working with a more detailed application and investigation process for admission candidates.

For the progress made this year, the officers and commissioners, on behalf of the entire legal community, wish to acknowledge the hard work and dedication of the following board and committee chairmen: Bill Vines/Law Examiners; Joe Vlastos/Professional Responsibility; Tom Lubnau/CLE; Cary Alburn/Resolution of Fee Disputes; Charlie Chapin/Client's Security Fund and Tom Gorman/Unauthorized Practice of Law.

For work on special committees, the board also acknowledges the following leaders: Kim Cannon and Judy Studer/CLE; Ann Rochelle/convention; Ray Hunkins/Ad Hoc Professionalism Committee; Hoke MacMillan/Legislative Committee; Greg Dyekman/Lawyer's Assistance Committee; Jack Stanfield/Survey Committee; Susan Feinman/Public Information Committee; Robert Oakley/Legal Aid Services Committee; Hank Phibbs/Computer and Technical Committee; Tony Vehar/Insurance Committee; Paul Scheirer/Legal Education Committee and everyone who worked on the civil, criminal and appellate rules committees during the past year.

Special thanks are due as well to all the section leaders and attorneys who served on the Bar's boards and committees. I encourage your continued involvement, interest and concern for the integrity of the legal profession. It's been a pleasure working with you.

## **REPORT OF THE CHIEF JUSTICE OF THE WYOMING SUPREME COURT TO THE WYOMING STATE BAR**

*Wyoming Supreme Court Chief Justice Walter C. Urbighit*

Mr. President, Officers, Honored Guests, Members of the Wyoming State Bar:

This will be my second and last report as Chief Justice regarding the status of your judiciary and again, the entire judicial branch of government which includes the practicing bar and the Wyoming State Bar Association.

As I reported a year ago, relations between the judicial branch, the legislative and executive branches are excellent. We are confident

that common understanding of our identical purpose to serve the citizens of the State of Wyoming does exist. Furthermore, I am most pleased with the relationship between the judiciary and especially the Wyoming Supreme Court and the Wyoming State Bar Association and its constituents, the lawyers of the State of Wyoming.

I am sincerely pleased to report that assistance received from and our cooperation with the Wyoming State Bar and its officers and committees has continued effectively and affectionately. As both a skilled observer of Wyoming legal activities and the Chief Executive Officer of the judiciary, I can commend without reservation the conscientious effort, superior attention and leadership provided by our Bar President, Richard Day, and the Executive Director, Tony Lewis. Our mutual contacts and joint efforts have been amicable and have reflected the active, enthusiastic and cooperative efforts of these individuals, other bar officers and your bar committee chairman. All of these people, and I would note them specifically by name: President Day, Executive Director Lewis, President-Elect David Uchner, Vice-President Eric Alden and Secretary-Treasurer John Worrall, together with committee chairmen Joe Vlastos, William Vines and Tom Lubnau, have provided your organization and this Court the highest character of enthusiastic service to the Wyoming State Bar.

It is my perception that the unbelievably complex and difficult problem of grievance proceedings vested upon the Board of Professional Responsibility is under control despite a monumental backlog and is moving in a direction where a current status within a reasonable future date can be realistically anticipated. Processing and disposition of complaints against members of the bar remain the singularly most difficult challenge for both the Board of Professional Responsibility, as a bar function committee, and the membership of the Wyoming Supreme Court. Randal Arp as Bar Counsel, Joe Vlastos as Committee Chairman, the entire Board membership and the officers of your association have shown a strong-willed and successfully pursued effort. The highest commendation and particularly to Randy, Joe and Tony Lewis is fully justified in both effort and result.

Moving then to a status report for this interim period of the year, I observe that the Wyoming Supreme Court and the entire court system as we can best tell with the statistics now available is heavily engaged, working at a high level of responsibility and equally current in general as was the case when I reported to you one year ago. I can tell you that we have no surplus of time or participants in the judicial system including county judges, members of the district bench and retired justices and judges who regularly assist. I sincerely tried to solicit one retired judge to come back into the judicial profession because of an obvious need for additional help in cases of emergency and extraordinary conditions, but unfortunately for us, and fortunately for you, he decided to continue his relationship with law as a practicing attorney.

The membership of the court system has remained reasonably constant in the county and district court bench although a significant change occurred in the last election among the membership of the justices of the peace. We have now two new county judges since my last report—Bill Edwards in Gillette, Dave Park in Casper and, of course, Dan Price entered into responsibilities for the Sixth Judicial District last November. We do have a present vacancy in Sheridan to replace County Judge Duane Buchholz and a significant number of expressions of interest have been received for that appointment. I anticipate a meeting of the Judicial Nominating Committee, then to be chaired by Justice Richard Macy by my designation, sometime before the end of this month.

A significant effort of this Court has been to hold oral argument sessions in areas of the state beyond Cheyenne. In addition to the oral argument last year at Gillette and the session held here in Casper for this bar convention, we have also taken our function in oral argument to Rock Springs and Laramie during the past year. We have scheduled Laramie again for the law school in October and would look favorably on invitation to at least two other areas.

The Court has an implied commitment to return to Park County for Girl's State next summer, but would surely look favorable on other locations such as Carbon or Fremont County for one or two sessions if invitations are extended and arrangements can be made.

Unquestionably the singular accomplishment of the past year, which came with your undivided support and the unbelievably expert assistance of our lobbyists Rhonda Woodard and Brent Kunz, was the passage of a comprehensive and significant salary bill. Although the law will not go into effect until July 1, 1993, it will then at least reasonably move Wyoming from a state of being neighbors with Montana at the very bottom of the salary scale to a realistic middle position if we can then regularly find ways to maintain that status. The entire staff of bar officers gave continuous and precious support for the success realized by the salary bill passage.

I might tell you on this legislative subject that a major concern of the judiciary is retirement. A committee has been eagerly and actively researching what can be done to improve the character of judicial retirement in Wyoming which in totality is one of the least favorable to be found in any jurisdiction of this nation.

In addition to the normal administrative activities in acting as Chief Justice, my major effort during the past year has been to promote the consideration, review and updating of court rules which apply to the practice of law. A mediation rule has been adopted and soon will be in effect. A major effort will be immediately pursued to approve the results of many meetings held in regard to both the civil and criminal rules by membership of the Permanent Rules Committee. The Criminal Rules Committee, chaired by Judge Terrence

O'Brien, and the Civil Rules Committee, chaired by Greg Greenlee, have expended literally hundreds of hours and your continued attention is invited because I am absolutely determined that Wyoming will not slip further behind the national posture for updating Rules of Procedure. This is demonstrable not only by the federal rules, but those of just about every state jurisdiction.

A third committee presently reviewing rules is chaired by Justice Richard Thomas to rewrite the Appellate Rules. We expect their report to be available at an early date to be initially submitted to membership of the bar for review and comment. Singular and significant changes in appellate procedures and standards of practice may well be provided in attempting to find a way both to simplify and expedite appeal practice.

There remains another committee, the Rules Committee of the County Courts chaired by Court Coordinator Robert Duncan, to report. Essentially that committee has remained in a delayed status until we find to what degree a unified set of civil, criminal and appellate rules can be provided so that differentiated rules and practices can be avoided among the state court system—district court, county court, justice of the peace and municipal.

The computer program activity of the Court, funded by filing fees in the justice of the peace and county courts, continues at pace under the chairmanship of Justice Thomas. The function has been renamed and expanded, and now is involved directly in computerization activities in some municipal courts and has appeared before the Legislature to broaden its scope to seek to provide intergraded computerization for the clerks of the district court in each county of the state. This is in court directed effort a major program with a large advisory committee and significant annual expenditure.

I can report to you one goal about which I spoke a year ago for which no recognizable progress has occurred. That is general judicial reorganization. Differences of opinion among membership of the Court and disinterest of the Legislature have combined to deter my activity. Frankly, I guess the rules review was a sufficient challenge so that I felt without outside funding or additional staffing that my belief in a year 2020 study of the entire justice delivery system, although needed, could wait until some of the more pressing programs were essentially completed. We have progressed to some degree in developing standardized statistical reporting data. I would like to see all courts on a quarterly report basis with identical information to be provided not later than January 1, 1992. Although I was concerned about inequities of workload last year, my persuasion at this time is that in a general way each of the courts of the district bench and county court system has a full schedule of work responsibility. Our Wyoming judicial system is fully committed in hours and effort.

Lacking the kind of statistical information which still remains un-

available, I am not sure how current the trial bench may be, but I continue in the perception and persuasion that the court system is realistically current and effectively managed.

I am also not satisfied that we have made sufficient progress in compensation to lawyers within the independent practicing for the performance of individual case legal services as appointed counsel. We did raise the hourly rate for commissioners in the county courts by twenty-five percent to the munificent total of \$50 per hour. I have included a request in the judicial budget for sufficient funds so that amount might again be increased to \$60 in the next fiscal period. Other than that, I would just repeat what I said a year ago:

Perhaps the greatest concern I have is the obvious failure of government to adequately fund requested legal services of the independent practicing bar. Worker's compensation case remuneration, contract public defenders and court commissioner services all reflect an almost obscene proclivity which seems directed to deny justice by refusing to compensate the required advocate. This is a challenge to all of us not alone to the members of the bar who are in the legislature which calls for recognition that the oaths of office are violated in efforts to deny justice by expecting attorneys to work for next to nothing. Wyoming certainly has sufficient economic resources that it can support, obey and defend its constitution by the maintenance of the justice for which the constitution was written.

In summary, I again remain optimistic that this past year and the past six years have been progressive and adventurously affirmative in seeking an improved justice delivery system. There are problems, and we are all called to the highest care and responsibility to improve society's recognition of the stature and competency of participants in the justice delivery system. The effective organization and program for the resolution of grievances against lawyers and a common educational program initiated by the bar for standards of conduct among ourselves as a matter of participation in an honored profession remain the highest challenge.

To conclude, as I said a year ago, to be neither anguished nor Polly Annish, my remaining time as the Chief Executive for the judicial branch will be short in days and long in hours, but challenging to the bar membership and equally for the judiciary in a common endeavor to provide the superior community service which is the character of our professional responsibility. In that endeavor, it must remain not only what we do, but what we appear to do to reach affirmative recognition and favorable approval of the citizens that will establish success for our activities as Wyoming lawyers and the state's judiciary.

Thank you for your kind invitation in providing me an opportunity to make this report.

## DEAN'S REPORT TO THE WYOMING STATE BAR ANNUAL CONVENTION

*Dean Arthur R. Gaudio*

### *Entering Class*

I'd like to report to you today about some of the events that occurred at the College of Law during the past year and also give you some current information about the school. In addition I'd like to comment on some of our current programs and the proposals we have, at least for the immediate future.

We recently admitted a new class—the class which will graduate in May of 1994. Our policy on the size of our entering class has remained substantially the same for the last twenty years. We seek to matriculate an entering class of 80 students. This year we had 84 first year students who registered at the beginning of classes. Last year our entering class was 79 students. In an attempt to keep the number at our desired level we sent out 30 fewer letters of admission. Nevertheless we still matriculated five more students than last year. I think that this clearly shows the desirability and attractiveness of the University of Wyoming as a place for legal education.

Let me mention a few more statistics about this year's entering class: The median LSAT was 35 and the median grade point average was 3.34. As in the past we have aimed at matriculating approximately two-thirds of the class from the pool of Wyoming resident students. This year we were very close with the percentage of resident students being 65% and non-resident students being 35%. Forty percent of these students are women and five percent are students from minority populations. The median age of the class is 25 years and ranges from 21 years to 54 years. Finally, 15% of them already have graduate degrees.

I'm confident that these candidates for a law degree are every bit as dedicated to, and interested in, the law and the legal profession as have been our students in prior years.

### *Student Body*

It's interesting and pleasing that, for the third smallest law school in the country, we have such an active student body which excels in so many external competitions and activities. Allow me to mention just a few:

Our students have been very active and have competed in numerous trial advocacy, moot court and client counseling competitions. In this past year one of our students was awarded the Outstanding Oralist at the Pace University Environmental Law Competition. That same student was also named the best summer intern Public Defender



in the Northern District of Illinois. Students from Wyoming were also elected to a significant number of offices in our district of the Law Student Division of the ABA.

### *Faculty*

I'd like to report now on a few of the activities of our faculty and some of the honors which they have received. This past July 1st Professor Bob Keiter was selected as our first Winston Howard Professor. Several years ago Winston Howard, one of our distinguished alums, set up a fund to establish the Winston Howard Professorship. The purpose of the Professorship is to attract and maintain faculty who have demonstrated excellence as scholars and teachers. Professor Keiter was selected for his continuing and long-standing excellence as both a scholar and a teacher of the law.

Speaking of scholarship, I think that it is one of the indicia of the excellence of our whole faculty that during the 1991 calendar year five of our faculty have, or will have, published books. In fact, three of these faculty have published multiple books or volumes in that same general time frame. To put that information into perspective, fully one-third of our faculty published a book during the past year. This is in addition to the many articles, reports, and continuing legal education programs that these and other faculty members have delivered. I know that many a school wishes they had such a publication record.

This past summer Professor Rob Fischman joined our faculty as a Visiting Assistant Professor of Law. Half of his course assignments will be in the environmental area and the other half will be in other areas. He received his JD and LLM degrees from the University of Michigan School of Law and worked for several years at the Environmental Law Institute. We are very pleased that he has agreed to come with us.

This coming January Professor Joe Geraud will be retiring from our faculty. I'm sure that all of you know him and many of you took property from him while in law school. We will miss his wisdom and collegiality on the faculty. He will be moving to Riverton and, I'm sure, would enjoy hearing from you.

### *Law School Programs*

I'd like to mention just a few of the activities in which we have been engaged during the past year. We've been expanding and enhancing our continuing legal education programs. This includes our traditional programs before football and basketball games as well as several others such as our joint programs with the State Bar Business Law Committee and the Trelease Symposium. We also conducted an experiment, which proved to be very successful, and promises great opportunity for the future. Last year the University experimented

with interactive telecommunications. We agreed to be one of the first to participate in the experiment. This programming allowed us to conduct a CLE course in Laramie and Gillette simultaneously. Parties at both ends could see, and speak with, each other in the same way that parties can see, and speak with, each other at a single location. When this capability is fully installed in the University and throughout the State we will be able to conduct similar programs regularly and serve the needs and interests of more practicing attorneys throughout the State. We again have a full pallet of programs for this fall's pre-football game CLEs and hope that you will attend.

We have again expanded the services which the Law Library has available for members of the Bar and the general public. I'd like to mention just a couple of them, in particular our newest. We continue to have a student-run legal research service which you may find very useful when preparing briefs, memos, or other legal documents. As in the past, our library is open over 100 hours a week for your use. If you can't physically be present in Laramie, we have a couple of ways that we may still be able to assist you. This past January we began our on-line card catalogue. Through your computer you may now peruse our holdings to see if any of them may be helpful to you. If you find a book which circulates, that book can be loaned to you. If it does not circulate, and we can identify the pages that you need, we will copy them and either mail them to you or send them by FAX. We are continuing to work on other library services which we think you will find helpful and beneficial to you and your clients. Please let us know how you find these programs.

Speaking of the library, I'd like to talk briefly about the project which will be a major program during the next year. As I am sure you all realize, our library has grown quite tight and we are in serious need for additional space to house our collections and provide space for students, faculty, attorneys and others to study and do research. I'm sure that you will all recall when you were in law school how important it was to have access to reporters, statutes, and other legal material and a place to study from them. The need continues to be the same. However, we do not have the space to satisfy the need. From my observations over the past year and one half, this is one of the few limiting parameters on the expanding quality and reputation of the College of Law.

We intend to solve that problem during the coming academic year. As you know, the legislature appropriated \$850,000 two sessions ago to be matched by at least an equal amount in privately raised funds. We are currently in the process of raising those funds. A fund raising committee headed by Bill Jones of Wheatland, has agreed to help us. They are currently in the leadership stage of this fund raising program. Our plan is to contact personally every alum and attorney in the State of Wyoming. We hope that you will all generously give support to this project. In fact, you should be hearing from a member of the Committee by the end of this calendar year.

**Thank you for giving me the opportunity to be here and to report to you on just a small portion of the many interesting and exciting things which are happening at the College of Law.**