

1992

## Committee Reports

Wyoming State Bar

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### Recommended Citation

Wyoming State Bar (1992) "Committee Reports," *Land & Water Law Review*. Vol. 27 : Iss. 1 , pp. 275 - 301.  
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## COMMITTEE REPORTS

### BOARD OF CONTINUING LEGAL EDUCATION

*Thomas E. Lubnau II, Chair*

The Wyoming State Board of Continuing Legal Education met five times in 1991: on April 11, May 20, May 28, July 9 and August 7.

As part of a computer programming update, all active attorney CLE records were audited and reconciled in 1990 by Wayne Miller, an accountant working under contract with Cheyenne CPA Roger Schreiner. The process was completed in October, 1990.

Initial reports were mailed to all active Bar members beginning October 10, 1990. On May 31, 1991, delinquency notices were mailed to all active Bar members beginning October 10, 1991. On May 31, 1991, delinquency notices were mailed to 138 attorneys delinquent for 1990, and certified notices were sent to 35 attorneys delinquent for 1989 and 1990. Subsequent to the May 31 notice, 24 attorneys brought themselves into compliance, and requests for extensions were granted to 87 attorneys delinquent for 1990. Subsequently, 25 attorneys brought themselves into partial compliance and were granted three-month extensions to bring themselves into full compliance. Two attorneys were recommended to the Wyoming Supreme Court for suspension.

Comparative statistics for the CLE delinquencies are listed below:

	May, 1991	May, 1990
Members 1 year delinquent	138	348
Members 2 years delinquent	35	20
Members 3+ years delinquent	-0-	24
Total members delinquent	173	392
Recommended suspensions	2	9
Total suspended	<1	8

In addition to considering CLE delinquencies, the Board also appointed a rules subcommittee chaired by Peter Maxfield to review provisions for reinstatement, hearings for denial of credit and failure to comply with CLE regulations. The subcommittee also drafted proposed requirements for duties of suspended attorneys. The rules are expected to be submitted to the Bar's Board of Commissioners for comment in the fall of 1991 before being submitted to the Wyoming Supreme Court.

Members of the 1991 Board included Thomas E. Lubnau II, Chairman; Peter C. Maxfield, Vice Chairman; Stuart Day, Sue Kearns, Patricia Schick, Richard J. Barrett, Patrick Meenan, Leo Sanchez and Roger Schreiner.

**BOARD OF LAW EXAMINERS OF WYOMING***William H. Vines, President*

The Wyoming State Board of Law Examiners administer the Bar exam twice in 1991: on February 26-27 and July 30-31, both times in Laramie at the University of Wyoming College of Law. The statistics below reflect combined passage rates for the February and July exams, compared with rates in prior years:

	1991	1990	1989	1988
Applicants Passed	69	45	70	58
Applicants Failed	31	21	36	25
Total Tested	100	66	106	83
Passage Rate	69%	68%	66%	69%

In addition to those examined, the Board considered applicants for admission on motion, which are reflected in the comparison of admission figures listed below:

	1991	1990	1989*	1988*
Applications Approved	37	20	2	5
Applications Denied	11	5	0	7
Total Applications	48	25	2	12
Approval Rate	77	80	100	42

\*On March 15, 1988, provisions for admission on motion for non-resident attorneys were deleted from Supreme Court rules governing admissions. They were reinstated in July, 1989.

In other business, the board also considered a draft of proposed rules and procedures governing admissions. Consideration of the rules is ongoing.

Board members in 1991 included William H. Vines, President; Wes Reeves, Secretary; Tom Toner, Calvin Ragsdale and Rhonda Woodard.

**BOARD OF PROFESSIONAL RESPONSIBILITY***Joseph E. Vlastos, Chair*

Because of changes in the Board membership, bar counsel and administrative assistant positions, full statistical reporting for 1990 cannot be assembled with certainty of accuracy. Unavoidable delays in 1991 plans to obtain and implement a database program compatible with the existing computer system preclude all but limited statistical information. Within those limitations, the following statistical information is provided:

Calendar year 1990 (last year for which full statistics are available)

1992

## STATE BAR PROCEEDINGS

277

I.	Cases carried forward from prior years: untabulated	
II.	Cases opened in 1990:	92
III.	Cases dismissed in 1990:	
	cases opened in 1988:	1
	cases opened in 1989:	39
	cases opened in 1990:	27
	TOTAL:	67

Note: Cases are dismissed generally because the facts did not prove the allegations, no unethical conduct occurred or the evidence was highly conflicting to a degree which would not approach the required burden of proof. In certain instances dismissals occur because of lack of jurisdiction.

IV.	Discipline imposed in 1990:	
	Disbarment	0
	Suspension	2 (one interim, one final - both by stipulation)
	Public censure	0
	Private reprimand	4 (by stipulation)
	Informal admonition	5 (by stipulation)
	Probation	1 (accompanied above final suspension case by stipulation)
	Disability/Inactive	0

## Year to Date 1991 (through September 3, 1991)

I.	Cases carried forward from 12/31/90:	107
II.	Cases opened:	47
III.	Cases dismissed	
	cases opened in 1985:	2
	cases opened in 1986:	0
	cases opened in 1987:	1
	cases opened in 1988:	3
	cases opened in 1989:	4
	cases opened in 1990:	21
	cases opened in 1991:	8
	TOTAL:	39

Note: Cases are dismissed generally because the facts did not prove the allegations, no unethical conduct occurred or the evidence was highly conflicting to a degree which would not approach the required burden of proof. In certain instances dismissals occur because of lack of jurisdiction.

IV. Board hearings held:	4
V. Discipline imposed:	
Disbarment:	1
Suspension:	1 (2 yr. or restitution, whichever longer)
Public censure:	2 (by stipulation)
Private reprimand:	1 (by stipulation)
Informal admonition:	1 (by stipulation)

Cases opened since last Annual Report  
(Case nos. 65-90 to 92-90; 1-91 through 42-91)

I. Number pending:	53
Number dismissed:	17
II. Types of cases giving rise to complaints	
Abstract & Title Opinion	0
Adoption	0
Bankruptcy	2
Collections	2
Corporations	0
Criminal	16
Contract	2
Domestic Relations	11
Estate Planning	0
Guardianships	2
Governmental	0
Labor Law	1
Litigation	10
Minerals	0
Oil & Gas	0
Personal Injury	4
Probate	4
Partnership	0
Real Estate	8
Trust	1
Workers Compensation	2
Wills	0
Tax	2
Other	1 supervising non-lawyer assistants 2 attorneys charged criminally
III. Type of initial complaint	
Deceit or misrepresentation	13
Incompetent representation	12
Lack of diligence	30
Conflict of interest	9
Fees	11

Refusing to follow client's wishes	5
Lack of communication	24
Harassment	3
Acting without client consent	7
Adversely reflecting on fitness to practice	3
Ex parte contact	1
Counselling illegal conduct	0
Ineffective assistance of counsel	4
Breach of confidentiality	4
Refusal to deliver accounting or files	3
Tampering with evidence	0
Collusion	4
Frivolous claim	0
Refusal to pay deposition or expert fee	1
Other:	1 Derogatory untrue comments-justice system
	1 Assisting unauthorized practice
	1 Improper business transaction with client
	1 Dealing with unrepresented person
	2 Respect for rights/ dealing with 3rd parties
	1 Threatening criminal prosecution for civil advantage

### CLIENTS' SECURITY FUND

*Charles S. Chapin, Chair*

The Clients' Security Fund of the Wyoming State Bar met three times in the past year: on June 11, July 29 and on August 27.

This year's docket included eight claims on file with the Committee and as a result of investigations by members, \$3,500 was paid to a claimant who filed against former Casper attorney Robert C. Wilson. The Committee also approved payment of \$90 to a claimant filing against suspended Cheyenne attorney Ronald Rogers.

Two claims were denied by the Committee, and a third was settled by the attorney filed against. The remaining three claims are currently under investigation.

A new set of rules for the Committee drafted by former Fund Chairman Mary Guthrie received a final review by a subcommittee headed by Sheridan attorney Robert Berger. The proposed rules are

before the Board of Commissioners for comment before being forwarded to the Wyoming Supreme Court. Among other things, Mr. Berger's report outlines provisions for subrogation of claims and recommends the adoption of a rule in the disciplinary code precluding the readmission of attorneys disbarred or suspended with outstanding claims paid against the fund.

In other business, the Committee, along with the Board of Commissioners, intends to explore future funding options of the Committee. With this year's awards subtracted, the balance of the fund stands at \$29,500.

Members of this year's Committee included Charles Chapin, Chairman; Robert Berger, Fred Dilts III, Jeffrey Donnell, Douglas Dumbrill, Mary Bell Guthrie, Barbara Lauer, Charles Resor and Anthony Vehar.

### **REPORT OF THE CONTINUING LEGAL EDUCATION COMMITTEE**

*Kim Cannon, Chair*

The Continuing Legal Education Committee of the Wyoming State Bar met three times by teleconference in the past fiscal year. The Annual Meeting CLE Subcommittee, consisting of the chairman, Judy Studer and other members at other times, met by teleconference on numerous occasions.

Committee member Philip Whynott planned and coordinated the Business Law's Cowboy/Cougar CLE program held November 9-10, 1990 at the University of Wyoming. Mark Squillace organized and coordinated the Fourth Annual Frank J. Trelease Symposium on Natural Resources and Environmental Law held in Jackson Hole on March 15-16, 1991.

All committee members assisted in the planning of the continuing legal education seminar offerings for the 1991 Annual Meeting being held in Casper on September 11-13, 1991.

Committee members included: Kim D. Cannon, chair, Sheridan; Timothy O. Beppler, Evanston; Richard P. Boley, Cheyenne; Arthur R. Gaudio, Laramie; Jane Juve, Laramie; Floyd R. King, Jackson; Mark S. Squillace, Laramie; Judith A. Studer, Casper; and Philip P. Whynott, Cheyenne.

### **ACTIVITIES OF CRIMINAL PATTERN JURY INSTRUCTIONS COMMITTEE**

*Michael J. Krampner, Chair*

When the current membership of the Criminal Pattern Jury Instructions Committee first met, it was unanimously decided that the 1977 criminal instructions are hopelessly outdated, and that the com-

mittee ought to start with a blank slate, rather than attempting to revise the old pattern instructions. The Committee decided that it would concentrate its efforts on the instructions for the cases which are most often tried to juries, rather than on the instructions for cases which produce the most academic curiosity.

Towards this end, the Committee has worked on instructions for assault cases, drug cases, drunk driving, theft and pretenses, and instructions for a variety of other offenses and general instructions. Committee members T.C. Campbell, Judge Larry Lehman, Micheal Shoumaker, Kevin Meenan, and Prof. Ted Lauer have all given generously of their time this last year. It is difficult, however, to say when the Committee will have a working set of pattern criminal jury instructions completed, due to the size of the task and the need for the members of the Committee to attend to their other responsibilities.

### LAWYERS' ASSISTANCE COMMITTEE

*Gregory C. Dyekman, Chair*

1990-1991 has witnessed the continued slow but sure progress of this committee toward its goal of providing an effective mechanism for dealing with members of the Bar who have substance abuse or other problems which deserve the attention of the organized Bar. The Wyoming Supreme Court recently adopted rules for the Committee which will govern its activities. While the rules do not include civil immunity for committee members, the notion of privilege and confidentiality of information obtained by the committee is the central focus. The committee will continue to analyze the effectiveness of the program under the existing rules and will propose changes if they are deemed necessary.

Since the majority of the members of the committee are not themselves recovering substance abusers, the committee has placed a high priority on training for its members in hopes that such training will enhance the committee's ability to deal with abuse situations. The committee plans an ongoing course of education and training both for its members, and for members of the Wyoming State Bar in general.

The committee is also currently working to establish a referral hotline which can be used to get those who wish to make a referral in touch with committee members in the most confidential manner possible. The committee intends to work closely with the judiciary of the State of Wyoming to develop an effective practice maintenance program so that attorneys who choose to seek treatment will have a practice to come back to at the conclusion of that treatment.

Despite the fact that the committee has received no formal referrals during the past year, it is believed that the problem of substance abuse continues among attorneys in Wyoming and that the establishment of an effective program will lead to referrals. The committee wishes to express its sincere gratitude to all Wyoming attorneys who



have contacted the committee to indicate their willingness to be practice maintenance attorneys, peer counselors, etc. There can be no question that an effective attorneys' assistance program requires the cooperation and assistance of all members of the bar and the judiciary. Further announcements concerning the status of the program will appear periodically in the Wyoming Lawyer.

### **REPORT OF THE LEGAL AID SERVICES COMMITTEE**

*Robert A. Oakley, Chair*

This committee consists of following members: Berthenia S. Crocker, Ethete; Jean A. Day, Jackson; Susan L. Feinman, Cheyenne; Duane Myres, Casper; Robert A. Oakley, Chairman, Cheyenne; and, James Peck, Newcastle.

Our Committee met informally by telephone this year to focus on the Interest on Lawyers Trust Accounts (IOLTA) implementation. Each Committee member was assigned certain districts to work cooperatively with the local bar associations and local contact people to encourage local attorneys to sign up their trust accounts. We also coordinated our efforts with the State Bar which assisted us with our tasks and encouraged more banks to participate in the program.

Included with this report is the Pro Bono Resolution Statistics from the Wyoming legal services programs. Thank you all for your assistance.

## PRO BONO RESOLUTION STATISTICS

July 1, 1990 - June 30, 1991

COUNTY	PARTICIPATING ATTORNEYS	CASES REFERRED	CASH DONATIONS
ALBANY	22	11	-0-
BIG HORN	1	0	-0-
CAMPBELL	11	26	-0-
CARBON	10	38	-0-
CONVERSE	8	4	-0-
CROOK	2	0	-0-
FREMONT	35	21	-0-
GOSHEN	11	21	-0-
HOT SPRINGS	2	0	-0-
JOHNSON	5	-0-	-0-
LARAMIE	86	53	-0-
LINCOLN	1	1	-0-
NATRONA	92	63	\$4000.00
NIOBRARA	4	1	-0-
PARK	10	0	-0-
PLATTE	4	1	\$300.00
RESERVATION - same as Fremont Co.			
SHERIDAN	13	8	-0-
SUBLETTE	3	0	-0-
SWEETWATER	20	7	-0-
TETON	15	2	-0-
UINTA	10	3	-0-
WASHAKIE	5	-0-	-0-
WESTON	2	-0-	-0-
TOTAL	372	282	\$4300.00

**REPORT OF THE CIVIL DIVISION, PERMANENT  
RULES ADVISORY COMMITTEE—SUBMISSION OF  
PROPOSED REVISIONS TO THE WYOMING RULES OF  
CIVIL PROCEDURE**

*G.G. Greenlee, Chair*

The Permanent Rules Advisory Committee Submitted proposed rule amendments to the Supreme Court on August 12, 1991.

In addition to substantive changes, the committee recommended four types of form revisions: (1) All references to his, him and the like were removed to make the rules gender neutral; (2) numerical references were changed from the number spelled out followed by the Arabic numerical in parentheses to simply the Arabic numerical for numbers greater than nine and the numbers spelled out for numbers one through nine; (3) references to specific statutes (many of which were to the 1957 revised statutes) have been eliminated; and (4), perhaps most importantly, the Federal Rules of Civil Procedure which

were not for one reason or another adopted by Wyoming, or which have been adopted for the federal courts since the last revision of the WRCP, were reviewed and where the committee deemed appropriate, recommended for adoption by the court.

While there are revisions to virtually every rule, the more important recommended changes are as follows:

Rule 5(b) concerning how pleadings and other papers are to be served has been amended to eliminate the ability of an attorney to leave pleadings with the clerk of court where the opposing attorney is known, which is a practice permitted by the present rules and sometimes abused. More importantly, however, Rule 5(b) had been revised to permit service of pleadings upon an opposing attorney of party "by mail or by other equally reliable means including facsimile transmission". Similarly, Rule 5(e) has been revised to permit filing of pleadings with the clerk of court by facsimile transmission if such equipment is available to the clerk.

Rule 6(b) has been amended to permit the clerk of district court to extend time for a period not to exceed 15 days to answer or move to dismiss a complaint or answer, respond or object to written discovery, subject of course to objection by the opposing party. The idea for this rule comes from Rule 206(b) of the Local Rules of the United States District Court for the District of Wyoming, where it appears to work quite well, and keeps the district court judge out of what is really more ministerial than substantive.

Rule 6(c) concerning terms of court not affecting time limits has been eliminated as unnecessary. In its place, a new Rule 6(c) governing motions and motion practice is proposed. New Rule 6(c) contains four subparagraphs. Subparagraph (1) provides that with some exceptions motions, together with supporting affidavits, if any, must be served not later than ten days before the hearing on the motion; a party affected by the motion must serve a response, together with affidavits, if any, not later than three days prior to the hearing on the motion or within 20 days after the service of the motion whichever is earlier; that the moving party may then serve a reply, if any, not later than one day prior to the hearing on the motion or within 15 days after service of the response, whichever is earlier; and finally, any party may serve supplemental memoranda or affidavits not later than one day prior to the hearing on the motion. All of the time limits in the rule are subject, of course, to an order of the court establishing other times.

Subparagraph (2) provides that the court may, in its discretion, determine any motion without a hearing unless there is a request for a hearing by the moving party or any party affected by the motion within ten days of the filing of the motion. The subparagraph goes on to provide that "A motion not determined within 90 days after filing shall be deemed denied" and that a party whose motion is deemed

denied "shall have ten days after the effective date of the denial to serve such pleadings or other papers as may be required or permitted by these rules." This last provision is taken from prior amendments to Rules 50(b), 52(b), 59(f) and Uniform District Court Rule 301.

Subparagraph (3) provides that a motion for a protective order under Rule 26 or to compel discovery under Rule 37 may be heard immediately by the court in order to avoid delay, prejudice, expense or inconvenience in the discovery activities.

Subparagraph (4) relates to motions in limine as to which there is no present rule.

New Rule 6(c) would also have an impact on Rule 56 with respect to responsive memoranda and affidavits, and Rule 56 has been accordingly amended.

Rule 16 on pretrial procedure has been completely replaced by the Federal Rule which is substantially broader than the current Rule 16. The revision would include pretrial conferences (more than one if needed), the entry of scheduling orders, the subjects to be discussed at pretrial conferences, a final pretrial conference, the entry of pretrial orders and sanctions for failure to comply.

Rule 19, popularly referred to as the rule on "indispensable parties," has been completely rewritten at the federal level, and the committee recommends adoption of the Federal Rule for the WRCP.

Rule 24(d) (under Rule 24 on Intervention) is new, and carries into the rules the requirement of *Tobin v. Pursel*, 539 P.2d 361 (Wyo. 1975) that when the constitutionality of a Wyoming statute is drawn in question in any action where the state is not otherwise a party, the party raising the constitutional issue must serve the Attorney General with a copy of the pleading or the motion raising the issue, giving the Attorney General the right to intervene in the action on behalf of the state.

Substantial time was spent by the committee in discussing the discovery rules, Rules 26 through 37. The committee conducted an informal survey of attorneys in the state known to be active in civil cases. The survey indicated and the committee concluded that no radical overhaul of the discovery rules was necessary or appropriate, but that recent amendments to the Federal Rules of Civil Procedure should be adopted, and that other "fine tuning" amendments were appropriate.

A section of FRCP Rule 26(b)(1) concerning limitations by the court of the frequency or extent of use of discovery has been added. This section sets forth those factors which the court will consider and find in its determination as to whether or not to limit discovery.

Rule 26(c) on protective orders has been amended by adding a version of Local Rule 207(o) from the United States District Court for

the District of Wyoming, which by its terms is applicable in the federal court to motions to compel under Rule 37. The addition would require an attorney who seeks a protective order to confer with opposing counsel. The committee feels that its purpose and intent is just as applicable to motions for protective orders, and recommends its adoption in order to have counsel attempt to resolve their differences before they involve the court.

Also added to Rule 26(c) is a section relating to a motion to quash a deposition notice. The section provides that pending resolution of such a motion, no party, witness or attorney is required to appear at the deposition and the filing of such a motion shall stay the discovery to which the motion is directed pending further order of the court.

The committee recommends the adoption of FRCP Rule 26(g). Rule 26(g) makes it absolutely clear that attorneys better take seriously their obligations when they sign a request for discovery or response or objection thereto. The rule provides that the signature of the attorney constitutes a certification that the request, response or objection is consistent with the rules and warranted by existing law, is not interposed for any improper purpose such as to harass or delay, and is not unreasonable or unduly burdensome or expensive given the needs of the case, discovery already conducted, the amount in controversy and the importance of the issues. The rule goes on to provide that where a certification is made in violation of the rule, the court shall impose upon the attorney, the client or both, an appropriate sanction, including payment of costs and attorney's fees.

In addition, the committee also recommends reliance upon the note of the advisory committee on the Federal Rules relating to subdivision (g). Those committee comments add substantial depth and clout to the requirements of the rule.

As the committee did in Rule 26(c) on motions for protective orders, it also recommends the adoption of Rule 37(a) (5) requiring counsel to confer before filing a motion to compel discovery. Again, this seems to have worked very well in the federal system, and should be adopted as the rule in Wyoming.

Alternative dispute resolution is receiving a lot of publicity both within and without legal circles. Justice Cardine's committee on Alternative Dispute Resolution proposed an amendment to Rule 40(b) which the Permanent Rules Committee reviewed. The committee recommended revisions to the ADR committee proposal and the court has previously adopted, subject to comment, the revised rule.

The committee recommends a number of changes to Rule 45. The principal revision recommended is to eliminate paragraph (e) and to amend paragraph (c) to provide that a subpoena may be served at any place within the state of Wyoming by delivering to the person subpoenaed a copy thereof and by tendering to him the fees for one day's attendance and the mileage allowed by law; that if such fees are not

paid at least one day before the person must leave home to obey the subpoena the person may disregard the same; and that the party subpoenaing the witness in a county other than that in which the action is pending must pay to the witness an amount equal to the statutory per diem allowance for state employees for each day or part thereof necessarily spent by the witness in traveling to and from the court and attendance at the hearing or trial.

Rule 51 concerning instructions to the jury has been broken down into two sections, the first on general instructions which may be given by the court at any time, and the second section concerning further instructions and objections. This revision is a combination of the first paragraph of the existing Wyoming rule and the incorporation of a modified FRCP Rule 51.

Rule 58 on entry of judgment or order has been modified to adopt a form of Uniform District Court Rule 404 giving the parties 20 days after the court's decision is made known to present a judgment or order to the court, approved as to form by the opposing parties, or submitted to the court and served upon other parties with a notice advising that objections must be made within 10 days after which the court may enter the judgment or order if no objection is timely made.

Rule 63 concerning the disability of a judge has been completely rewritten. The proposed rule is in two parts, paragraph (a) dealing with disability which occurs during trial (in which case any other judge regularly sitting in or assigned to the court may continue the case upon certifying familiarity with the record at the trial) and paragraph (b) dealing with disability after the verdict or the filing of findings of fact. and conclusions of law in which case any judge, including any active or retired district judge or Supreme Court Justice may perform the duties unless the successor judge determines that he is unable to carry out those obligations whereupon the successor judge may grant a new trial.

Rule 68 has been completely revised in order to extend the ability to make an offer to a plaintiff as well as to a defendant. The rule, now entitled "Offer of Settlement," provides that any party, at any time more than 90 days after service of the summons and complaint, but not less than 20 days before trial, may serve an offer of settlement. The offer remains open for 30 days or until 10 days before trial whichever is earlier. As in the former rule, evidence of such an offer is not admissible except in proceedings to enforce a settlement or to determine costs under the rule. If the judgment finally entered is not more favorable to the offeree than an unaccepted offer, the offeree must pay the costs incurred by the offeror after the making of the offer. The rule specifically excludes attorney's fees as costs.

Rule 83 concerning rules of the district courts has been revised to reflect that district court rules must be approved by the Supreme Court and that a district court may not establish rules of procedure

applicable only in that district.

## **REPORT OF THE AD HOC COMMITTEE ON PROFESSIONALISM**

*Raymond B. Hunkins, Chair*

The committee met in Casper on August 16, 1991 at the offices of Murane & Bostwick. Those present included Raymond B. Hunkins, Chair, Dan Riggs, Tim Bommer, Tony Vehar, Joe Teig, Mark Gifford, Dick Bostwick and John Hursh. Tony Lewis, Executive Director of the Wyoming State Bar, was also present. During the course of the day-long meeting, the committee considered whether an actual or perceived problem existed with respect to professionalism in the Wyoming State Bar, heard from various members of the Wyoming State Bar who requested to address the committee, and arrived at a consensus with respect to the substance of a final report, including recommendations for action addressed to the officers and commissioners of the Wyoming State Bar. The minutes of the meeting, as recorded by Tony Lewis, are enclosed herewith and explain in greater detail the activities, thoughts, and perceptions that were articulated during the course of the committee's meeting. In this report I will not further comment upon the activities and observations made during the committee meeting as they are covered in detail in the enclosed minutes.

In general, it was the consensus of the committee that relations between and among lawyers have given rise to actual or perceived problems of civility and professionalism. The committee believes that these actual or perceived problems are much less apparent among members of the Wyoming State Bar than they are to members of other bars who occasionally practice with and against Wyoming attorneys. However, it does appear that in recent years we have seen a developing problem in the quality of personal relationships among lawyers and that the problem should be addressed before it becomes a serious impediment. In making these recommendations, it should be pointed out that this committee is of the universal opinion that general civility and responsibility is pervasive among the members of the Wyoming State Bar Association.

The committee recommends that the Wyoming State Bar adopt guidelines for relations between and among lawyers. The committee recommends that the guidelines be in the following format:

### **GUIDELINES FOR RELATIONS BETWEEN AND AMONG LAWYERS**

#### **Introductory Paragraph**

When lawyers get along with each other, both the clients and the public interest are better served. Lawyers do not need to be "tough" to be effective. When inter-lawyer relationships are characterized by honesty, candor, fairness and courtesy, rather than disagreeable contentiousness, the practice of law can be pleasurable and personally re-

warding. In recent years we have seen a developing problem in the quality of personal relationships between and among lawyers. In the interest of stemming this trend and promoting amicable inter-lawyer relationships, the following guidelines are presented:

1. Never lie to or mislead another lawyer.
2. Practice law so that you need few favors from opposing counsel, but also practice law so that when you need a favor, opposing counsel will not refuse you.
3. Promptly return all telephone calls of other lawyers.
4. Avoid making disparaging personal remarks about other lawyers.
5. Always be willing to give advice to other lawyers upon request.
6. Avoid brash and militant stances. Militancy raises adrenalin levels and reduces the likelihood of compromise or accommodation. Avoid unnecessary abrasiveness in both oral and written communications.
7. Cooperate with opposing counsel in all respects not clearly inconsistent with a client's interest, specifically including scheduling and discovery matters.
8. Scrupulously observe all mutual understandings and strictly adhere to all express promises and agreements with other lawyers. Adhere in good faith to all agreements implied by circumstances or custom.
9. Never force an opposing lawyer to do something the hard way, when it is evident that it can and will be accomplished by strict adherence to the prescribed rules.
10. Don't make a practice of practicing by default, or of taking advantage of opposing counsel on technicalities. All too often the comment, "I have to protect my client's rights" or, "my client has instructed me to do this" is used to justify actions which provoke but gain no advantage, and make the practice of law unpleasant. Consider the following:

The lawyer, and not the client, has the sole discretion to determine the accommodations to be granted opposing counsel in all matters not directly affecting the merits of the cause or prejudicing the client's rights, such as extensions of time, continuances, adjournments and admissions of fact. In such matters no client has a right to demand that his counsel be illiberal or that he do anything therein repugnant to his own sense of honor and propriety.

Code of Trial Conduct, American College of Trial Lawyers.

We would recommend that the officers and commissioners adopt the above and foregoing as an official policy statement of the Wyoming State Bar. We do not believe that the above and foregoing should be reformulated into a new set of "rules". Additional "rules" do not seem to be the answer to any actual or perceived problems in the areas of professionalism and civility. The committee is of the opinion that the existing rules regarding ethics and trial conduct are



sufficient and need only to be uniformly enforced to be effective.

The committee further recommends that the rules governing continuing legal education in this state be amended to provide that a portion of the annual continuing legal education requirement be in the area of ethics, professional conduct or professional responsibility.

The committee further recommends that the Wyoming State Bar Association appropriately urge the College of Law at the University of Wyoming to expand its course offerings in the field of ethics and professionalism.

The committee is of the opinion that trial practice in the state courts would be enhanced by the adoption of a rules similar in format to existing Rule 207 of the Local Rules of the United States District Court for the District of Wyoming. Most of the committee members practice extensively in the federal courts and are appreciative of the discipline which Local Rule 207 engenders.

The committee is aware that occasionally questionable conduct, towards a witness or opposing counsel, takes place during the deposition process. The committee is of the belief that videotaping depositions would have a debilitating effect on such misconduct and believes that when it occurs, attorneys should be free to commence videotaping the balance of the deposition without further court authorization. To accomodate such a practice, it appears that Rule 502 (e) would have to be amended. We recommended that the Bar consider referring this recommendation to the Wyoming Judicial Conference.

While it is the belief of the committee that the existing rules are sufficient, the committee does recommend that the Wyoming State Bar Association formally request that the Judicial Conference take such steps as are necessary to ensure the uniform enforcement of all existing rules, whether they be civil, criminal or rules of court and further, that the judiciary be proactive in handling discovery disputes during the litigation process.

Finally, it is the committee's recommendation that the Wyoming State Bar consider the establishment of an award of merit for professional conduct, to be given on an annual basis, and to be presented to an attorney who is nominated by an adversary at the conclusion of a particular piece of litigation. The committee believes that such an award would stimulate interest in the topic of professionalism and would serve as an example of conduct to be emulated by younger attorneys. Such an award, to be given at the annual meeting of the Wyoming State Bar Association, would be, the committee believes, in the highest tradition of our profession.

## COMMITTEE FOR THE RESOLUTION OF FEE DISPUTES

*Cary R. Alburn III, Chair*

The Committee for the Resolution of Fee Disputes is a large committee, composed of some 27 members, who are appointed by the President of the Wyoming State Bar for three year terms. Pursuant to rules promulgated by the Wyoming Supreme Court under the authority of 5-2-118 Wyoming Statutes. In reality, from time to time, the Committee is actually larger, because a unique provision of the Rules continues the term of a member in the event that member is involved in the resolution of a fee dispute upon expiration of his or her term, until such time as the particular dispute is in fact resolved. The Rules are silent about reappointment of members to the Committee upon expiration of their terms, resulting in occasional reappointment of members.

The Committee does not act as a committee of the whole, and in fact to my knowledge, has never met as a committee of the whole. Rather, each member is assigned as cases come up to individual panels, which hear the disputes at locations chosen by the panel chairs, but which are usually compromise locations, to reduce the inconvenience to the individual members of the panels and the participants. The panel members accomplish their duties without compensation, often donating their expenses as well as their time.

Although not particularly surprising in a state known for its handshake agreements, it seems to be a rare occasion that there are formal fee agreements between attorneys and clients in Wyoming. When panel members have found formal agreements, in which a fee can be determined, either as the result of individual documents or as a consequence of correspondence between the parties, the decisions have universally upheld those contracts. But often, the panel members are called upon to determine a fair fee, in the absence of an enforceable contract. Thus, the compilation of results which appears at the end of this report is a bit misleading, because many of the findings for the attorneys actually resulted in reduced or otherwise adjusted fees, based on the panel members' determination of a fair and appropriate fee under the circumstances presented.

Drawing upon their experiences in practice, it is not unusual for panel members to conclude that fees that do not fall within the purview of the contract between the parties must be based upon fair and reasonable rates and reasonable time spent earning the fee. For instance, the contractual relationship between the parties might provide for certain services to be rendered and a certain fee to be paid, but for various reasons, the attorney might have performed additional services not covered by the contract. At that point the committee panels have often felt justified in determining what is a fair fee for those items not covered by the contractual relationship. Under other cir-

cumstances, in which no contractual relationship has been discernable, panel members have had no choice but to determine a fair fee for all of the work performed. In doing so, panel members have considered the experience of the attorney involved, not only total time in practice, but in the particular area in which he or she tends to orient the practice, as well as what was accomplished for the client.

But most importantly, the panel members must consider the evidence that is presented, and that is the area of most frequent downfall for both the client and the attorney. Often, the evidence is simply inadequate. Panel members have even gone so far as to permit the parties to supplement the evidence in writing after the hearing, in order to make the record more complete. But as often happens in small claims court, the parties show up, unprepared to present their cases. Several panel members have expressed that, although they are not surprised that the clients show up unprepared, they are surprised that attorneys do so, yet that is often the case.

In making an award, the panel has rather broad discretion. It may determine whether any award will be paid at all, which party will pay the award to the other party, the amount of the award, and the methodology in which it will be paid. For instance, in a recent case in which it was determined that a fee paid up front was not totally earned at such time as the attorney was released from further service, the panel determined that the attorney should pay back the unearned portion of the fee, but allow the attorney to make payments to the client, apparently determining that a lump sum return would have been especially difficult. In another case in which the panel upheld and awarded the entire fee demanded by the attorney, it took into account the impecunious status of the client, and required the client to make relatively small monthly payments over a lengthy period of time. On other occasions, panels have simply made an award, without directing method of payment in any fashion, leaving it up to the parties to arrange a payment schedule.

Because the proceedings of the individual panels are exempt from the Wyoming Administrative Procedures Act, the panels often meet in a very informal setting, governing their proceedings as much by inherent concepts of fair play as anything. Most often, the complainant who brought the complaint, whether attorney or client, presents his or her case first, but there is no particular burden of proof requirement. As indicated previously, it is not unusual for panels to allow supplementation of the evidence after the hearing, in order to complete an otherwise inadequate record.

Although the rules provide for judicial review under Rule 12 of the Rules of Appellate Procedure, there has been no judicial review of any determination of a Committee panel since the formation of the Committee, to the best of my knowledge. Similarly, although the Rules provide for the enforcement of awards by the courts, I am not aware of any enforcement proceedings, although that may have hap-

pened, except for one rather large award of attorneys fees in accordance with a contingency fee agreement, which is presently pending before the bankruptcy court in which the client has filed for bankruptcy protection.

It is not unusual in fee dispute hearings to hear evidence of ethical violations. In some cases, there has already been a filing before the Board of Professional Responsibility, but if not, the panel is obligated to notify that Board (still described as the Grievance Committee in the Rules for the Resolution of Fee Disputes). It has been the practice of most panel chairmen to orally advise the disputing client of the right to take the matter through the grievance procedure, and in any event, the written information provided to the parties at the commencement of the action by filing advises them that it is the duty of the panel to report any alleged or suspected violation, as indicated.

It has been my experience as Chairman of the Committee that the members have taken their responsibilities seriously, understanding that not only are they sitting in judgment of their peers, but that they are also, to a degree, sitting in judgment of the legal system, and they owe not only a duty to be fair, but to enhance the public's perception of fairness. In other words, the Committee would be doing a disservice to the lawyers of the state if it swept under the rug and supported obviously unfair or otherwise improper fees. It has been my pleasure to observe that the panels appear to hold attorneys to rather high standards of fair fee assessment. All records of the Committee for the Resolution of Fee Disputes are public records (except those having to do with allegations of violations of the Rules of Professional Responsibility), so it is good that the Committee members have recognized their responsibility, not only to be fair, but to create a perception of fairness as well.

One last comment is appropriate. During my tenure as chairman of the Committee, to the best of my knowledge, there has not been a single petition filed for the resolution of a fee dispute by an attorney. All of them have been from clients who are questioning the fees being charged to them. Yet the Committee is as open to resolving disputes at the petition of the attorney as well as the client. Since the rules require that any pending court matter respecting the fees be dismissed without prejudice if a petition is filed, and that has happened on more than one occasion, it would seem to me that the attorneys seeking to collect a fee might consider the Committee as an appropriate forum at times, rather than commencing the matter in court, and then use the courts to enforce the award, as indicated earlier.

In summary, the Committee for the Resolution of Fee Disputes acts as individual panels, hearing disputes between attorneys and their clients respecting fees, uniformly enforcing existing contracts, but when the fees cannot be determined by the contracts, addressing issues of fairness and propriety of a given fee based upon the amount of work involved. Informal hearings are held, often the evidence needs

to be supplemented because it is inadequate at the hearing, but the resulting award is enforceable in court. The Fee Resolution Dispute procedure is as available to attorneys as petitioners, as well as to clients.

Fee Disputes on File in 1989-91  
(at 9/1/91)

	1990-91	1989-90
Disputes lodged by clients	11	15
Disputes lodged by attorneys	0	0
Award in favor of attorney	3	6
Award in favor of client	2	2
Settlement in favor of client	1	3
Disputes dismissed	3	3
Disputes pending	2	n/a
Disputes carried over/past yr.	1	3
Total disputes on File/FY	12	17

**RULES OF PROCEDURE FOR COUNTY COURTS  
ADVISORY COMMITTEE**

**PERMANENT COMMITTEE ON THE WYOMING ON THE  
WYOMING COURT RULES RELATING TO THE COURTS  
OF LIMITED JURISDICTION**

*Robert L. Duncan, Chair*

This is a combined 1991 annual report of the Rules of Procedure for County Courts Advisory Committee and the Permanent Committee on the Wyoming Court Rules Relating to the Courts of Limited Jurisdiction.

A combined one-day meeting of both committees was held on May 23, 1991, at Casper to review the proposed Wyoming Rules of Criminal Procedure as drafted by the Permanent Rules Advisory Committee. The committees made findings and recommendations for amendments to the rules governing the courts of limited jurisdiction as a result of the review of the proposed WRCrP.

There has been a change in the membership of the Permanent committee on the Wyoming Court Rules Relating to the Courts of Limited Jurisdiction as shown in the current 1991 Bar Directory. The present members consist of the following:

Peggy Beckum, Municipal Judge, 50 East 2nd North, Green River, WY 82935, 875-5000.

Robert L. Duncan, Chair, Supreme Court Coordinator, Supreme Court Building, Cheyenne, WY 82002, 777-7581.

Peter J. Feeney, Municipal Judge, P.O. Box 437, Casper, WY 82602, 235-8400.

Paul Jarvis, Justice of the Peace, 381 N. Main Street, Buffalo, WY 82834-0819, 684-2501.

Kenneth Stebner, Carbon County Judge, Carbon County Court-house, Rawlins, WY 82301, 324-6655.

## NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

*Charles G. Kepler, Chair*

Wyoming Commissioners Justice Richard J. Macy, Ralph E. Thomas, and Charles G. Kepler attended the LOOTH annual meeting of the National Conference of Commissioners on Uniform State Laws which was held in Naples, Florida, on August 2 - 9, 1991.

The NCCUSL will celebrate its Centennial year in San Francisco in August of 1992. Wyoming joined the Conference in 1893, the year after it was founded and since that time has been represented by 37 different Commissioners including the present Commissioners. Included among the early Wyoming Commissioners were Charles N. Potter, F. H. Bloom, and W. L. Simpson.

The Naples meeting promulgated five uniform and one model acts recommending them for adoption by the several states.

### *Amendments to Uniform Commercial Code Article 3 - Negotiable Instruments*

The Amendment adds a section relating to lost, destroyed, or stolen cashier's, teller's, and certified checks and substantially simplifies this area of the law. The Wyoming Commissioners recommend the adoption of this Amendment.

### *Uniform Simultaneous Death Act (1991)*

This is an update of the Uniform Simultaneous Death Act initially adopted in 1940 and revised in 1953. The original Act provided that, when there is no sufficient evidence two individuals died otherwise than simultaneously, each individual's property is distributed as if he or she survived the other. The advantages of this approach are that each individual's property passes to that individual's relatives and double administrative costs are avoided because property does not pass from one estate to another. The 1991 provision does not alter the result of the original Act but seeks to expand the application so that, as revised, it no longer is restricted to situations in which there is no sufficient evidence that the two individuals died otherwise than simultaneously. The 1991 Act extends the application to situations in which there is sufficient evidence that one individual survives the other but the period of survival is insubstantial. This concept originated in the Uniform Probate Code, which imposed a 120 hour

requirement of survival for intestate and testate succession. The 120 hour rule is adopted by this Act and it also imposes a "clear and convincing evidence standard of proof" concerning the survival by 120 hours. The Act also includes a provision where a testator may except the 120 hour survivorship rule where the governing instrument contains appropriate language.

Wyoming has the 1953 version (W.S. 2-13-101 et seq). The Wyoming Commissioners recommend the adoption of the 1991 revision.

#### *Uniform Testamentary Additions to Trust Act (1991)*

The Uniform Testamentary Additions to Trust Act was first promulgated in 1960 and was incorporated in the Uniform Probate Code of 1969. The original Act clarified the law with respect to the validity of so called pour-over devises or requests to a receptacle trust. Without such a statutory provision, pour-over devises or bequests may be in doubt because of the general requirement that the ultimate beneficiaries of a testator's estate can only be validly designated in a document executed in accordance with the special statutory formalities for a validly executed will.

Wyoming adopted in 1957 a provision that a will signed and attested may devise and bequeath real and personal estate to a trustee of a trust evidenced by a written instrument in existence when the will was made and identified in the will, even though the trust is subject to amendment. W. S. 2-6-103.

The 1981 Act is broader in that it provides the receptacle "trust" need not be funded during the testator's lifetime; allow the trust terms to be set forth in a written instrument executed after as well as before or concurrently with the execution of the will; require the property to be administered in accordance with the terms of the trust as amended after as well as before the testator's death, unless the testator's will provides otherwise; and allow the testator's will to provide that the devise or bequest is not to lapse even if the trust is revoked or terminated before the testator's death.

The Wyoming Commissioners recommend the adoption of the 1991 Act.

#### *Uniform Transfer of Litigation Act*

This Act is intended to provide a means that will enable state courts to cooperate in shifting litigation to the most suitable forum. It is hoped that parallel federal legislation will be adopted, permitting states and federal courts to work together enabling a court to send a case to, or receive a case from, courts of other states and federal courts or courts from another country.

The Wyoming Commissioners are making no recommendations

on this Act at the present time.

*Uniform Act on Intestacy, Wills, and Donative Transfers*

This Act is a part of the Uniform Probate Code and has been adapted for the introduction by states that are not interested in passing the full UPC.

The Wyoming Commissioners suggest that it may be timely for Wyoming to reconsider the adoption of the UPC.

*Model Employment Termination Act*

The Model Employment Termination Act is controversial. The Naples meeting voted to make it a model rather than a uniform act on a vote of 29 to 21. As a model act it passed with 39 states voting for it and 11 states voting against it. Wyoming was one of the 11 states opposing the Act.

The thrust of the Act is to seek a balancing of the interests of employers and employees by defining termination for "good cause", providing an arbitration forum for determining disputes involving termination of employment, eliminating punitive damages, and restricting employment agreements that would opt out of the statute. This Act covers employees at all levels, but excludes probationary employees (less than one year) and part-time employees (averaging less than 20 hours a week) and small employers (less than five employees). Coverage of public employment is left to a state's discretion. The objective criterion of "good cause" is the stated grounds for a lawful termination, rather than the subjective criterion of "good faith and reasonable belief." "Good cause" may take two forms: an individual employee may be discharged because of misconduct or inadequate performance on the job or employees, either individually or as a group, may be laid off or terminated because of economic conditions or other factors affecting the size and composition of the work force. Common law actions are abolished. There are three types of express agreements which may restrict an employee's rights under the Act. First, an employer may terminate for good cause at the expiration of an express agreement of employment for a specified duration relating to the completion of a specific task, project, or undertaking. Second, an express written agreement may actually specify in terms of business related standards of performance or certain prohibited acts, that will constitute good cause for termination under the Act. Third, an express written agreement may waive requirement of good cause for termination, if the employer agrees to make a severance payment equal to one month's pay for each full year of employment, up to a maximum of 30 months' pay.

Enforcement under the Act is through the use of the professional arbitrator operating under a state administrative agency. Two alterna-



tives, however, are provided. The first alternative would permit enforcement through a new or existing administrative agency. The second alternative would permit enforcement through civil courts.

The Wyoming Commissioners do not recommend the Model Act for adoption.

### *Other Matters*

At the Naples meeting Charles G. Kepler was elected to life membership.

The National Conference continues its drafting of amendments to the Uniform Partnership Act, Civil Forfeitures under the Uniform Controlled Substance Act, and Reciprocal of Enforcement of Support Act, among others.

In addition to the three Acts noted above, the Wyoming Commissioners intend to recommend to the Legislature the adoption of the Uniform Fraudulent Transfer Act (1984), Uniform Prenuptial Agreement Act, and Uniform Statutory Rule Against Perpetuities Act (1990).

## **REPORT OF THE CRIMINAL LAW SECTION**

*Michael J. Krampner, Chair*

The Criminal Law Section of the Wyoming State Bar has engaged in one significant project during the last year. At the request of Bar President, Dick Day, a questionnaire regarding public defender services in federal court was formulated and distributed to the membership of the state bar. A large number of members of the bar were kind enough to respond, and the results were compiled by the bar office, and made available to the U.S. District Judges, among others.

As a result of that effort, and in some part due to the survey answers, it is expected that Wyoming will have two federal public defenders by the end of this year.

The section is a new one, with very few members, and it is hoped that during the next year we will be able to increase membership, and perhaps provide CLE on topics of interest to criminal law practitioners.

## **REPORT OF THE YOUNG LAWYER'S SECTION OF THE WYOMING STATE BAR**

*Anthony Wendtland, Chair*

From a small beginning, the Young Lawyers Section of the Wyoming State Bar has grown to become the largest Section in the Bar. As of the date of this report the Young Lawyers Section exceeds 60 active paid members. This membership will continue to grow as new

admittees to the Bar receive a free one year membership in the Wyoming State Bar Young Lawyers Section similar to the free one year membership they automatically receive in the ABA Young Lawyers Division.

Since its inception at the September 1990 State Bar Meeting, the Section has established a solid organizational base. Executive Council members Anthony Wendtland, Wes Roberts, Bruce Hellbaum, Jackson Stewart, Mike Newman, Bill Hiser and Jay Vincent have all worked hard to get the Section off the ground. The Board has met by telephone conference call for four regularly scheduled Board Meetings throughout the past year. The Executive Council adopted and amended a reliable set of By-Laws and organizational documents. These documents have proved useful for other Sections of the State Bar which have been organized this year.

The Young Lawyers Section has also grown in its organizational capabilities. We have a reliable membership recruitment program in place to solicit members for the Young Lawyers Section both in and outside of Wyoming. A Section representative appears at each swearing in ceremony to begin recruiting new members. We also plan to conduct a survey of our membership to determine what Young Lawyers Section activities programs the membership would like to see us develop in our long range planning.

During Law Week this year, members of the Young Lawyers Section around Wyoming visited local high schools and gave Law Day presentations concerning the Bill of Rights or a mock trial program. Some of these programs were done in conjunction with existing programs implemented by various County Bar associations. Others were undertaken completely by Young Lawyers Section members and implemented in communities that had never seen Law Day presentations.

As we did last year, the Young Lawyers Section will be presenting a CLE program as a part of the CLE offered at the Wyoming State Bar convention in Casper, Wyoming. The Young Lawyers Section program will be a two-part program designed to provide CLE credit in the areas of law office management/practice and ethics. The first part of the program will include discussions by young lawyers and consultants about the planning, purchase and installation of IBM and Apple computer networks in law offices. In today's world, it is common for associate lawyers to be given the responsibility of designing firm computer networks and over-seeing their installation and development. This part of our CLE will give some insight into the "do's" and "don'ts" of this process. Computer equipment vendors familiar with this networking software will be available to field questions concerning the planning process and development of a good network system. The second part of our CLE will focus on ethics and, at this point, will probably consist of a panel discussion involving members of the Wyoming State Bar grievance committee, Bar Council or other person

directly involved with enforcement of the rules of professional conduct in Wyoming. This will be a moderated panel discussion focusing on several specific subjects and providing time for question and answer. You can learn more about our CLE presentation in the pre-registration materials for the convention in Casper.

The Section will have a membership meeting in Casper to elect two executive council members and all officers for the Young Lawyers Section for the 1991-1992 fiscal year. It is the Young Lawyers Section's policy to move the standing President-Elect into the President's position each year as the Wyoming State Bar does. The Section leadership is also anxious to involve several female members in Section leadership as soon as possible.

Long-range planning for the Section will include a discussion of the development of one or more long term public service projects. Projects under consideration include a High-school "Mentor" program, a guardian ad litem program and legal information to the elderly. The Section has developed a good working relationship with the ABA Young Lawyers Division and will be looking to the ABA for grants and help in establishing its first full scale public service project. Other long range plans will include establishment of an annual budget and improvement of communication between Section membership and the leadership.

The Section owes its first year's success to the hard work of many new section members including the above-mentioned Board members, Mark Macy, Jane Juve and others. The State Bar's financial support last year was also a critical element in the Section's success.

The Young Lawyer's Section of the Wyoming State Bar is fast growing into the most active and successful Section program that the Bar is involved with. Involving young State Bar members in Bar activities and public service projects early on insures their involvement for years to come. It also strengthens the image of the legal profession with the public. The Young Lawyers Section looks forward to many years of success in this regard.

**WYOMING STATE BAR  
FY 1991-92 Budget**

	<b>1989-90 Actual</b>	<b>1990-91 Projected</b>	<b>1991-92 Budgeted</b>
<b>REVENUE</b>			
General Fund	\$328,299	\$298,158	\$353,000
Communications	18,549	14,620	20,000
Annual Meeting	54,860	63,035	55,000
Board of Prof. Resp.	0	0	0
CLE Program	10,307	7,615	8,000
Bar Committees	0	0	0
<b>Total Revenue</b>	<b>\$412,015</b>	<b>\$383,428</b>	<b>\$436,000</b>
<b>EXPENSES</b>			
General Fund	\$216,925	\$234,994	\$273,220
Communications	64,944	49,925	49,575
Annual Meeting	50,093	53,717	50,000
Board of Prof. Resp.	18,153	29,725	25,650
CLE Program	11,148	7,292	3,500
Bar Committees	4,698	6,348	6,075
<b>Total Expenses</b>	<b>\$365,961</b>	<b>\$382,001</b>	<b>\$408,020</b>
<b>Unrestricted Cash Balance as of 9/30/90</b>			<b>\$131,320</b>
<b>Unrestricted Cash Balance as of 10/1/91</b>			<b>\$132,747</b>
<b>Unrestricted Cash Balance as of 9/30/92</b>			<b>\$160,727*</b>

**\*Projected**