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# **MINUTES OF THE ANNUAL MEETING OF THE WYOMING STATE BAR**

*SEPTEMBER 16, 17, 18, 1992  
CHEYENNE, WYOMING*

The Annual Meeting of the Wyoming State Bar was convened pursuant to notice on September 16, 1992, at 10:00 a.m. at the Hitching Post Inn, Cheyenne, Wyoming.

The meeting was called to order by President David D. Uchner. The meeting began with the "President's Report."

## **REPORT OF THE PRESIDENT**

*David D. Uchner*

**SOME FINAL REFLECTIONS WITH A LOOK TO THE FUTURE . . .** Upon my election in Casper a year ago, I told you that I did not make any promises and that I did not have a platform. Nevertheless, I thought it was my assignment to try to make the Wyoming Bar responsive to what I have heard for several years from many across the State. Some of these things were negative and some positive.

The lawyers of this State and their families are the true leaders of their respective communities. In any given town, the members of the Bar are involved in service clubs, churches, boy scouts, youth programs, United Way, schools, political parties, and other worthwhile endeavors. This is all done in the so-called spare time after putting in many hours in the service of their clients. Attorneys stand head and shoulders over some of the other professions in this regard. It is, indeed, good to be a lawyer in Wyoming. We don't need, nor should we tolerate, the continued bashing that may, or may not, be justified in other states. As we reflect back on the past year, attorneys in Wyoming have made a great effort to communicate and improve our relationship with the people in all of our communities.

Throughout the year, there have been many invitations and opportunities to travel and attend meetings and conferences in some very interesting and exotic places. I am not certain that this is the role of the president to engage in all of these functions, so I took another approach. Visitations were made to meet and talk with our members in various parts of the State. In Rock Springs, Gillette, Pinedale, Cody, Laramie, and Rawlins, just to mention a few places,

great fellowship and serious debate was shared with our own people. Wyoming lawyers, regardless of location, all have the same things in mind including the economy, bench/bar relations, CLE and the grievance process.

The present Board of Officers and Bar Commissioners is one of the best groups to ever serve this organization. Its members are professional in every sense of the word. They have divergent backgrounds, philosophically, personally, and geographically. They met during two-day sessions, on several occasions, at various locations in the State. In addition, they held numerous telephone conference calls, whenever the need arose.

The present administration substantially streamlined the entire Bar operation in 1991-1992. The number of personnel was reduced and overall efficiency in the Bar Office was increased. The primary purpose of that office is to serve the membership. Fiscal austerity was a pressing concern. As a result, the organization's budget was cut by a substantial percentage.

While on the subject of fiscal responsibility, I would advise future administrations to be very conservative with funding and appropriations. The Bar Office is constantly receiving requests for money. All expenditures should be closely watched. The Bar is on a sound financial footing, and we can continue to stay that way without any dues increase in the foreseeable future. The membership must insist on this.

We think that all of the non-Bar-related activities have been eliminated. There were two programs which fell outside the scope of the Bar's responsibilities and they were transferred to another agency in the fall of 1991. These were the Long-Term Care Ombudsmen and Legal Services Developer. I would strongly urge that the Bar never again undertake any activities not contemplated to be strictly Bar functions.

The *Wyoming Lawyer* has shown some improvement this year. The *Bar Brief* newsletter was implemented in an effort to better communicate with the members and to give the county bar associations a voice pertaining to their activities as well as giving news of the Bar office, the Officers and District Commissioners.

The Bar learned that a great deal of its official records were in the possession of the University of Wyoming Heritage Center. This material included minutes and other documents dating back to 1916. All of this is now in the Bar Office, and hopefully an appropriate display can be established as well as using these materials for historical research.

The Wyoming Bar continues to support the University of Wyoming Law School in many ways. The annual financial contribution to

the *Land and Water Law Review* is substantial. This is continuing a long historical relationship.

One of the projects of the Bar which our members almost unanimously want to continue is the judicial survey. The problem seems to be that some do not understand its true purpose and intention. Nevertheless, it does serve an important function within our profession and to the people of Wyoming because of the manner in which judges are selected in this State.

The economy and the very nature of the changing practice of law have both had a serious effect upon all of us. The Officers and Commissioners met with the Governor and Attorney General expressing some of the concerns of the Bar. This should be on the agenda annually. Several times some state agencies have gone to the press with positions contrary to that of the Bar. Again, this administration was quick to respond. It is a proper function of the Bar to be vigilant and speak out when it is merited.

The integrated Bar is the best system ever devised for the profession in this State. It is the one combined common voice for over a thousand attorneys. It provides the forum for true education, regulation, improvement, and development. Because of an integrated Bar, we have a means to work with each other and the Bench. The Supreme Court, district courts, and county courts have all gone out of their way to cooperate with the Bar this past year. Based upon what I have learned from Bar officials in other states, I can guarantee you that the Wyoming Bar has a better relationship with its courts than any other state in the union.

Throughout the year, the Bar took views opposed to the American Bar Association on several subjects. The so-called McKay Report would completely destroy our present Wyoming system for attorney discipline. Even though the ABA adopted it, we spoke out on it and received strong unified support from our own Supreme Court. For over two years, the Bar has tried to tell the ABA that abortion is not a proper subject for the adoption of a position (pro or con) for that national organization. I must say that Wyoming has the best delegation to the ABA of any in the country. They are concerned, responsive, well-informed, and most cooperative with the state organization.

Wyoming lawyers worked hard giving of their own time and expense serving on many committees and boards. I have tried to thank most of you personally and I cannot begin to name all of you in this report. You know who you are and you have made a worthwhile contribution to your profession and the State of Wyoming.

This has been a good year for the Bar and a good year for me. Through the years, we all receive some sort of recognition. I must

say that the lawyers of Wyoming have truly honored me by making me President. I will cherish this honor for the rest of my life.

Members of the Board in Fiscal Year 1991-92 included David D. Uchner, President; Eric M. Alden, President-Elect; L. Galen West, Vice President; John P. Worrall, Secretary-Treasurer; Harold F. Buck, Kermit C. Brown, Dennis L. Sanderson, S. Thomas Throne, Ronald P. Jurovich, Paul J. Drew, W. Thomas Sullins II, Douglas W. Weaver and Gerald R. Mason.

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

#### *Wyoming Supreme Court Chief Justice Richard J. Macy*

During my first few months as Chief Justice, I have gained a deeper understanding and appreciation of the complexities of our judicial system and the amount of time it takes to accomplish the administrative duties necessary to keep it running. The more I have learned about the system, the more I have come to value the dedicated contributions made by the members of our integrated bar. I give a great amount of credit to former Chief Justice Urbigkit for spearheading the update of our three principal sets of court rules, but the real work was accomplished by bar members who cared enough to devote their time and expertise to get the job done.

The Supreme Court simply cannot function without the help of the members of the bar and its officers. We do not have the time or resources to carry out the tasks assigned to the many standing bar committees which, in reality, make the system work. My immediate attention is drawn to the numerous hours devoted by the members of the Board of Professional Responsibility and of the Board of Law Examiners to revise their rules and carry out their important responsibilities. Without the bar's support, I doubt very much that we would have been successful in getting a substantial raise in judicial salaries. The bar office, under the direction of Tony Lewis, is called on almost a daily basis to help the Supreme Court carry out its supervising function.

The Supreme Court adopted the Revised Wyoming Rules of Criminal Procedure and the Revised Wyoming Rules of Civil Procedure in December 1991, which were effective March 24, 1992, and adopted the Revised Wyoming Rules of Appellate Procedure on July 31, 1992, which will be effective November 1, 1992. Significant changes in the appellate rules' substance were made which will be of assistance to the attorneys, the court reporters, and the Judicial Branch. The time for filing the notice of appeal has been extended from fifteen days to thirty days. The court reporter will now be allowed up to sixty days to prepare a transcript, and the time for filing briefs has

been extended from thirty days to forty-five days. Several other important changes were made which will make the appellate process more workable.

In an effort to reduce case delays, the Supreme Court is keeping current with the applications of available technology for the court systems. The Supreme Court, county courts, justice of the peace courts, and several high volume municipal courts are now fully automated. In addition, the Supreme Court recently received a grant from the State Justice Institute for a project to develop the use of electronic records on appeal. The trial's entire record will be electronically stored, including the pleadings, trial transcripts, and exhibits, in various formats, such as images, video, and audio. This data will be transmitted on appeal across the state's wide-area computer network. Such transmission will occur immediately after the trial's conclusion.

Another conclusion which I have drawn from my limited time as Chief Justice is that resource limitations are threatening the Supreme Court's ability to carry out its mission to keep the courts open to protect the fundamental constitutional rights of the people of the State of Wyoming. Judges and court personnel have so far managed shortfalls in staffing and funding without noticeable impact, but the reality is that, unless the Legislature approves the supplemental budgets of several courts, the public and their attorneys, at a minimum, will experience delays in having their cases resolved by the court system.

The Supreme Court's operating budgets have been cut thirty-eight percent since the 1989-1990 biennium. As a result of these cuts, we have had to reduce our staff and delay hiring law clerks to have enough money to pay for paper, postage, repairs, equipment, et cetera. Although there are other factors, this reduction of personnel has caused delays in getting opinions written and published. Hopefully, I can convince the Legislature that this type of trade-off is detrimental to the system in the long run.

Actually, the Supreme Court and the county courts, which are under our budgeting control, are better off than some of the district courts which have their own budgets. I have been advised that some district courts have only a few thousand dollars in their operating budgets to carry them through the 1993-1994 biennium. Obviously, if they do not get financial relief from the next legislative session, it is going to take quite a bit of innovative voodoo financing to keep the courts open.

Even though the Supreme Court is experiencing a slight reduction in its caseload this year, the overall caseload for the seven years I have been on the Court has increased approximately twenty-seven percent. Hopefully, this year's reduction is an indication of at least

a short-term trend, especially at this time of encountering a staff reduction as well as the unavailability of the help from our retired justices due to health problems.

Though it is now fashionable for attorneys and judges to bash one another, it was gratifying to me to have everyone working together for a change to bring about a pay raise for the judiciary. I hope that this will serve as an example of what can be done for our profession if we show respect for one another. During the last legislative session, I witnessed one lawyer legislator bash the Supreme Court on two different occasions for no apparent reason other than to curry the favor of his layman counterpart. This type of conduct is disgraceful to his profession and to himself. If I can accomplish little else during my short term as Chief Justice, I hope that I can promote the cooperation and respect between and among the bar and the judiciary. We cannot gain the respect of the public at large if we do not respect one another. We are now at a critical time when we need to work together to convince our Legislature that our judicial system is worth saving.

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

*Dean Arthur R. Gaudio*

The last academic year—it was the best of times; it was the worst of times.

#### *The Best of Times*

##### **Law Library**

On July 31st the College of Law broke ground for the George William Hopper Law Library. The addition will add approximately 17,000 gross square feet of space to the library and law building, nearly doubling the size of the current library space. The library will once again become a place for study, research and learning. We can reclaim our traditional position as a leader in legal education, not only in the State of Wyoming but also in the region and across the country. Our students will once again have a place to read, study, and ponder the law that is and the law that will be. Our faculty will be able to do the research that is necessary to adapt the law to the new millennium that is soon to come. It will also have space for you, our graduates and friends, to do the research and to answer the questions that arise in your practices.

Although there are many people to thank for making this library addition possible, we need to give a special thanks to Sally Hopper

and Carl Williams. They were the beacons who led us to our ultimate success. The library will be dedicated in the memory of George Hopper, a member of the law class of 1956, who was dedicated not only to his alma mater, but to legal education. He was a skilled practitioner who enjoyed teaching the law, and served as a member of the faculty for a year.

Another major contribution to the addition was made in memory of William H. Brown. This contribution made possible the construction of a much needed seminar room and lounge.

#### CLEO Institute

This past summer the College of Law hosted the Rocky Mountain Regional CLEO (Council for Legal Education Opportunity) Institute. This is a program for minority or disadvantaged applicants to American law schools. It was a success both in terms of the results produced for the students and the excitement generated for the University. Some of the members of our faculty were on the Institute's faculty as well as faculty members from other Rocky Mountain Regional law schools. It was a success both in terms of the results produced for the students and the excitement generated for the University. Some of the members of our faculty were on the Institute's faculty as well as faculty members from other Rocky Mountain Regional law schools. In fact, the program was so well received that we were awarded a special recognition from the Department of Education.

#### CEELI (Central and Eastern European Law Initiative)

This past March the College of Law was the host for a five day visit by Dean Andrez Balaban from Szczecin University Law School in Poland. His visit was a part of the CEELI program which is sponsored by the American Bar Association and the U.S. Information Agency. The purpose of this program is to assist various central and eastern European law schools in a number of ways. While Dean Balaban was here, he was able to see how we conducted our classes and also to examine our curricular offerings. As you might guess, some of the offerings, particularly in the corporate, antitrust, securities, commercial, and constitutional areas, have not been as well developed in Poland. As things ultimately turned out, I think that we learned as much from him as he learned from us. For example, we had a faculty and student seminar in which we discussed with him the Polish legal system. It certainly was an interesting exercise in comparative law. We learned about Poland's young, but very old, constitutional background as well as the civil law system.

#### Faculty Honors

This spring two of our faculty were recognized by the entire University when they were given two different all-University awards.



George Rudolph was awarded the George Duke Humphrey Distinguished Faculty Award. Only one of these awards is granted each year. George was recognized for his lifetime of service and dedication to the University and the College of Law. During forty-five years of service to the University, George has been a professor, dean, and advisor to the President. George and the University of Wyoming are synonymous. There is no one who is more distinguished and more deserving of recognition by the entire University community than George.

Also, Joel Selig was awarded a Jack Ellbogen Meritorious Teaching Award. This is in recognition of him as one of the University's best teaching faculty. Joel has regularly been recognized by the students of the College of Law for his skill and dedication in teaching. In fact, over the past several years, Joel has been awarded the Potter Law Club Award for Teaching three times.

### Centennial Professorship

Several years ago, the Centennial Professorship was established for the purpose of attracting and/or retaining a person of excellence in teaching and scholarship. This past summer, we made the first designation of this Professorship. Professor Joel Selig was chosen out of several highly qualified and meritorious candidates by the Selection Committee. Joel is a graduate of Harvard Law School and began teaching at the University of Wyoming in 1983. He currently teaches in the areas of Civil Procedure, Evidence and Conflict of Laws. The committee was impressed with his scholarship which has been extensive, particularly in the civil rights area. The committee was also impressed with the quality of his teaching as has been recognized in several awards that he has received in recent years.

### Faculty Scholarship

This past spring we had an opportunity to recognize a special achievement of our College of Law faculty. We have a faculty of only sixteen persons, one of the smallest in the country. During the past two years six of our faculty members published one or more books. In some instances, these were multiple books or volumes. This is an achievement which I have not seen surpassed on a proportionate basis, either within the University by any other department or college, or outside the University in any other law school. Over one-third of our faculty published a book during that period! Furthermore, I am aware at this point of at least four more books which are in the works. These books have been published by Professors George Rudolph, Harvey Gelb, Bob Keiter, Dee Pridgen, Mark Squillace, and Art Gaudio.

These writings are in addition to the numerous other articles, book supplements, and CLE presentations made by our faculty. We truly have a faculty which is composed not only of great teachers, but also of outstanding scholars.

### Entering Class

The entering class this year is composed of 77 students. Again it is an outstanding group of young men and women and we are very proud of them. I'm sure that they will all make excellent attorneys and members of the bar. The median LSAT for this year is equal to that of last year's class, but the median grade point average increased to 3.40. Fifty-two percent of the entering class are women and forty-eight percent are men. Also, ten percent of the class are minority.

### *Worst of Times*

#### Budgets

This past year has been a particular ordeal with regard to the University's budget. As I'm sure you are all aware, the State has had fiscal problems and this has been passed down to the University. The College of Law has faced both a one percent general cut in its budget as well as a number of cuts in particular items. This went along with freezes in hiring and expenditures.

In addition, the tuition has been increased \$250 per student in addition to regular University tuition increases. This is an increase which has been imposed only upon law students. However, the proceeds of this tuition differential are not returned to the College of Law.

As part of the budget difficulties there were no salary increases for our faculty. This is of great concern to me because I am afraid that we may lose some of our best faculty to other schools. As a matter of fact I have particular reason to believe that at least two of our faculty are being seriously considered by other colleges of law. There has also been a limit on the amount of travel funds that our faculty and students may expend. This limits necessary travel for clinic purposes, student competitions, and professional and scholarly meetings which our faculty should attend.

Finally, we have had to prepare for a potential cut of as much as ten percent in our personnel budget for next year. If this should occur, it will be truly devastating and will have serious adverse effects on the College of Law.