

1996

Proceedings of the Wyoming State Bar

Wyoming State Bar

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PROCEEDINGS OF THE ANNUAL MEETING OF THE

WYOMING STATE BAR

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REPORT OF THE PRESIDENT

Kermit Brown

This has been a rewarding and fruitful year for me. We have accomplished much to further my goal of improving the integrity and the image of our profession. One could not accomplish anything in this position without the support and assistance of the bar staff, the bar commissioners and our volunteer bar committees. Special recognition should go to the hundreds of hours of volunteer unpaid effort on the part of our committee members. Their help and support is essential.

Special mention should also be made of the wonderful working relationship we have with the Supreme Court. To a member, they have been very supportive of all we are trying to do. We have tried to reciprocate by being competent and efficient in those activities affecting the court and in our integrated functions with the court, primarily in the areas of CLE, discipline and admission.

My personal goal has been to keep our bar in the vanguard, anticipating change and being ready with services and expertise when the change finally impacts our practitioners.

During this past year, we have been successful in recommending adoption of the following:

Informal procedures for the bench-bar relations committee to receive and act on complaints regarding judicial conduct.

Amendments to the State Bar Bylaws limiting voters to only voting in one district in the event they practice in more than one district.

Reciprocity for admission of attorneys practicing in other states and a National Conference of Bar Examiners' background investigation for recent law school graduates.

An initial screening of law students early in their first year to determine whether there is anything in their background that might clearly be expected to interfere with eventual admission to the bar.

Implementation of an CLE accreditation fee.

An interim suspension rule to handle the status of individuals whose

disbarment has been recommended by the Board of Professional Responsibility and is pending before the court.

A rule mandating trust accounts and implementing a voluntary opt-out system for IOLTA.

In keeping with my goal to always be looking ahead, a number of other rule changes are presently under consideration:

A rule defining and limiting attorney advertising.

Amendments to the fee arbitration rules to promote more efficient disposition.

A definition of the practice of law.

Regulations governing the unauthorized practice of law.

Establishment of a standing committee on law practice management assistance.

Establishment of a standing committee to provide attorney mentoring.

We continue to try to improve the quality of our profession and have projects in development as follows:

The Bridging the Gap program put on by the Young Lawyers Section. It is my hope that this program will eventually become sufficiently refined so that the court could consider making it a mandatory CLE course to be completed some time during the first three years after admission to our bar.

Providing statewide e-mail and computerized research at a price affordable to Wyoming attorneys.

Coordination of state-wide efforts on statutes, regulations etc.

How have we been doing? Our latest member survey gives us some indications.

The largest increase in perceived effectiveness of the bar is in the area of attorney discipline: from 38.9% in 1993 to 52.3% in 1995.

Perceived fairness of the disciplinary system also increased slightly.

Perceived effectiveness of CLE increased from 50% in 1993 to 58% in 1995.

Moderate increases were also shown in publications, fee arbitration and the judicial evaluation poll.

A slight decrease of four points was indicated in the perceived effectiveness of the admission process. Hopefully this will show significant change with the new admission rules just adopted.

For the benefit of my colleagues and as my last opportunity to try to keep our bar in good standing, a brief review of what the integrated bar can do, and what it cannot do, may be in order. We are permitted to do the following:

Activities related to efficient administration of the judicial system.

Activities related to the composition and operation of the courts.

Education, ethics, competence, integrity and regulation, as a body, of the legal profession. *Petition of Chapman*, 509 A.2d 753 (N.H. 1986).

Lobbying germane to improving the administration of justice, *i.e.*, pertaining to the role of the lawyer in the judicial system and in society. *Gibson v. Florida Bar*, 798 F.2d 1564 (11th Cir. 1986).

This bar association will continue to flourish so long as it provides services and leadership in the areas of regulating the legal profession and improving the quality of legal services. *Keller v. State Bar of California*, 496 U.S. 1 (1990). The poison pill for any integrated bar association, this one being no exception, is political and ideological activity, especially lobbying. We simply must stay out of activities such as nuclear non-proliferation, abortion and gun control. For the most part, we also must stay out of the area of tort reform. Our current policy, written by Mr. Bon during his presidency, has served us well. It admonishes us to avoid any lobbying on any issue upon which there is substantial divisiveness within the bar. Other organizations such as DLAW and WTLA must address those topics.

We have worked hard to increase revenues without raising dues. Hopefully by holding down our dues, we leave room in our practitioners' budgets for membership dues in these other organizations.

Like every other organization, we cannot be all things to all people. We must understand our mission and stick to it. We have a long range plan adopted under Mr. West's presidency and frequent reference should be made to it, both for guidance and for modification as the circumstances warrant. We have the limitations of *Keller* and its progeny. Within this framework, we must address current problems including the following:

Nearly 40% of Wyoming attorneys are uninsured.

Legal services cost too much. Real estate is a good example.

Attorneys have now priced and complicated themselves out of most of the real estate business.

Paralegals must be dealt with. We will either incorporate them into the universe of legal services providers or they will go around us.

Electronic research, communication and filing must be addressed.

Sales tax on legal services will rear its ugly head again.

Modifications to the constitutionally established judicial supervisory commission must be supported.

In my columns written in *The Wyoming Lawyer*, I have tried to provoke thought and debate on how we provide legal services in a cost effective and responsible manner as we move into the Twenty First Century. We must constantly be vigilant against the deep-seated dislike for lawyers and the system. The judicial branch of government is now perceived as the forum of choice for unwelcome social change. We have the fallout from the trial of O.J. Simpson and it will be interesting to see what place that trial eventually assumes in the social fabric of our country. One writer recently observed that this is the era of ignorant opinion and undifferentiated rage, both of which are anathema to our profession and all it stands for. We must combat these trends with public education, impeccable integrity of our profession achieved through admissions and discipline and serious and meaningful community involvement.

There is much left to be done. I have great faith and confidence in Mr. Mason, Mr. MacMillan and Mr. Hickey.

In conclusion, I am proud to be a lawyer and feel privileged to be a member of this profession and this bar. I am proud to know all of you and feel deeply honored to have served as President of the bar association. I encourage all of you to pick your spot and take a stand against lawyer bashing and in favor of our profession. We are better people than we are given credit for.

It has been my pleasure to serve you and I am honored to have had the opportunity.

**REPORT OF THE CHIEF JUSTICE OF
THE WYOMING SUPREME COURT**

Chief Justice Michael Golden

On behalf of the more than one hundred men and women who are the judicial officers and support staff of the Wyoming Judiciary, I am please to present the 1995 Report on The State of the Judiciary.

PERSONNEL CHANGES

District Court

Nancy Guthrie was sworn in on January 4, 1995, to fill the vacancy in the Ninth Judicial District created upon the retirement of Judge Elizabeth Kail in January, 1995.

Tom Sullins has been appointed to fill the vacancy in the Seventh Judicial District created upon the retirement of Judge Harry Leimback in October, 1995. Judge Sullins' robing ceremony was October 6, 1995.

County Court

John Crow took office in January, 1995, as the first judge to serve the newly created county court in Sublette County.

John Housel took office in January, 1995, as the first judge to serve the newly created county court in Park County.

RELATIONSHIPS WITH THE STATE BAR, BOARDS, AND COMMISSIONS

State Bar

This past year the Court has continued to work closely with the officers and commissioners of the State Bar to ensure the proper and efficient functioning of state bar governance. Notably, the Court, acting on the State Bar's recommendation, approved amendments to the rules on admission to practice.

The Court met with State Bar leaders to review the leadership's plans for this coming year. We look forward to the future.

Board of Professional Responsibility

The Court has met several times with the Board this past year to review the state of the disciplinary process and discuss matters of mutual interest in that regard. The Court is pleased with the Board's hard work and devotion.

Judicial Nominating Commission

The Chief Justice, as chair of this commission, works closely with this important constitutional body as it performs its critical role in the county courts, district courts, and Supreme Court. The Commission carried out its duties in admirable fashion this past year in relation to the appointment of Judge Guthrie, Judge Sullins, Judge Crow, and Judge Housel.

Judicial Supervisory Commission

Last fall, the Court appointed a work-study group, composed of judicial officers, bar leaders, past and present members of the Supervisory Commission, and community leaders, to undertake a comprehensive review of the supervisory system. The work-study group's effort resulted in a recommendation to the Wyoming Legislature of a proposed constitution amendment. Members of the work-study group worked closely with the legislature leaders this past legislature session in an effort to promote passage of this proposed amendment. Unfortunately, the legislature failed to act favorably on this proposal. Undaunted, the work-study group has continued to work on this proposal's passage, meeting with the Legislature's interim judiciary committee. The proposed constitutional amendment will again be presented to the Legislature this year.

RELATIONSHIPS WITH THE LEGISLATIVE AND EXECUTIVE
BRANCHES OF GOVERNMENT

We have several meetings with the Governor and legislative leaders this past year and have several meetings scheduled before the legislature session begins this year. We enjoy amiable intra-government relationships. In particular, we are continuing to press for the extension of the county court system throughout the state. We met several months ago with the Joint Judiciary Interim Committee to present a state-wide plan. Work on that project continues. We have recently submitted our 1997-98 budget proposal and other matters of interest to the judicial branch.

RELATIONSHIPS WITHIN THE JUDICIARY

The Wyoming Judicial Council, consisting of all of the State's judicial officers, is operating satisfactorily. The courts of Limited Jurisdiction Division met in May in Laramie. The District Courts Division met in June outside Chugwater. The Council met in Jackson in September. During its morning session we presented a program on Judicial conduct and supervision and met with the Judicial Supervisory Commission. In the afternoon session, the separate divisions conducted their business. The courts at all levels are operating efficiently and report no problems.

The Supreme Court Clerk of Court met in June with the District Court Clerks to discuss matters of mutual interest concerning appellate records and filings.

SUPREME COURT PROJECTS

In addition to continuing work on the various projects reported on last September, the Court has focused in particular on the Judicial Supervisory Commission constitutional amendment, the statewide extension of the county court system, and the judicial retirement program. On this latter item, the retirement program, Justices Taylor and Lehman have been developing information concerning the feasibility of funding the program and folding all full-time judicial officials into that funded system. Needless to say, this is a major long-term project. We've only just begun.

CLOSING

Thank you for this opportunity to report on your court system. Fundamental to our mission to deliver speedy, efficient, and affordable justice to our citizens is our close relationship with the integrated bar. We have in the past counted ourselves most fortunate to enjoy your strong support. We are confident that the same spirit of cooperation and shared sense of mission will endure in the months ahead.

**REPORT OF THE DEAN
OF THE UNIVERSITY OF WYOMING
COLLEGE OF LAW**

Dean Arthur Gaudio

Mr. President, Ladies and Gentlemen,

It's a pleasure to be here once again this morning,

This year the College of Law is celebrating its 75th Anniversary. In 1920 when the College began, it was small in size and it has continued to remain so. But our graduates have been anything but small in what they have sought and what they have accomplished. They've been the advisors to government, family and business. We are proud of our alums who have been governors, Supreme Court Justices, senators, representatives, legislators and leaders of the bench and bar both in and out of the State. This year we're having a 75th Anniversary celebration which will honor the pioneering attorneys of the College's first 25 years. When they graduated the legal landscape of Wyoming was pretty bare. They had to develop the laws which we have today. It was their effort and leadership which made a place for our current graduates. Without their vision and effort we would not have a legal system which is a hallmark in this country. Please join us at Homecoming for the keynote speaker Chief Justice Golden and the Master of Ceremonies Governor Mike Sullivan.

Some of those pioneers as well as many more recent graduates joined with the College of Law Alumni Association this past year to establish a mentoring program for our current students. While the faculty and college administration do a lot of advising of students, there are some things about which practicing lawyers can speak with more experience and authority. There are also times when a student just wants to see some perspective on how their classwork fits with actual law practice. That is what our alumni mentors are doing. We're proud of the program and it's become a real success. This I know based on conversations I've had with both alums and students.

Over this past year several faculty in the College of Law have taken steps into the International Law field. This is a field which we can't

ignore; we're all part of our global village and we should play our part in helping to carve out what it looks like. For example, Tim Kearley, the Director of the Law Library, served as Reporter on "East Asian Approaches to Human Rights" for the American Society of International Law. Mary Jenny, our Associate Law Librarian, hosted Rima Kupryte, an innovative law librarian from Lithuania. She is the Coordinator of the Open Society Fund Law Library in Velnius. This is a private, independent library open to attorneys, students and the public. She spent several weeks with us, studying our library and our legal research methods. Finally, I personally had the privilege of visiting Russia for three weeks to lecture to professors about privatization of property. For me it was exciting, rewarding, and sometimes frustrating. The old cliché is true: We don't know how grateful to be about what we have until we see someone without it. Their legal system is going through a most fragile stage. Advocacy is a fledgling artform. Trial by jury is only in an experiment. (As a matter of fact I'd like to submit, at a latter date, some proposal for working with the fledgling Russian Bar Association.) Legal education really amounts to training civil servants and not legal representatives. And teaching about privatization of property was a novel experience for them (and for me). I'm sure that the College's small part in this effort will ultimately pay off with greater global understanding.

Some of you may know that two of our faculty members have decided to take advantage of the state's early retirement program. Pete Maxfield and Gerry Gallivan will be with us through the end of this academic year. But next year we'll miss them, both as skilled teachers and supportive colleagues. While we certainly must fill their positions, our approach is not very clear at this time since we've got to deal with potential cuts in the University's budget.

Last July we selected our new Centennial Professor of Law who will hold the position for the next three years. She is Dee Pridgen who has been on our faculty since 1982. In this selection we recognize her excellence both as a teacher and a scholar. With regard to the latter she is the author of two practitioner books on consumer credit and consumer protection. She is also the co-author of a casebook on consumer protection.

Let me speak briefly about something which is uncomfortable, but which I must address. I'm sure that most of you know of an ill-conceived attempt this past summer to close out one of our faculty members in the exercise of his academic freedom to do pro bono work for environmental organizations. I won't bore you with the details since my report has been submitted and is public. Let me simply state that he did not violate University rules; he merely exercised the same rights other members of the

University faculty exercise when they do consulting work in their discipline. The content of the consulting is not, and should not, be the issue. Indeed, he was doing precisely what the MacCrate Report and others have urged — that law faculty get into the trenches, via pro bono work or otherwise, in order to have better experience and credibility. Let me just add that as long as I'm dean the academic freedom of our faculty will not be impaired. The price of freedom is an understanding that all sides of an issue may be presented.

Finally, let me note that once again we have an excellent and promising first year class. The median LSAT is 154 and the median G.P.A. is 3.30. More importantly I think that they are well rounded, practical people who have a deep interest in the law as a profession. I look forward to observing the progress.

BOARD OF CONTINUING LEGAL EDUCATION

Stuart R. Day, Chairman

The Wyoming State Board of Continuing Legal Education met on April 13, 1995. During the applicable period the Board reviewed requests for rule changes and waivers and decided numerous Continuing Legal Education credit appeals by Bar Members.

Continuing Legal Education statements were sent on February 15, 1995 to 1,615 active attorneys. The State Bar office received an average of 350 applications for Continuing Legal Education credit, of which 335 were approved and 15 were denied per month. There were 9 appeals for credit denied by the Board of Continuing Legal Education.

As of May 1995, 191 Wyoming State Bar Association Members were delinquent for 1 year of Continuing Legal Education requirement. As of the same date 14 Wyoming State Bar members were delinquent for 2 years of Continuing Legal Education requirement. As of the same date 2 Wyoming State Bar members were delinquent for 3 or more years of Continuing Legal Education. No attorneys were suspended for Continuing Legal Education delinquency as of October 24, 1995.

The Wyoming State Bar office received an average of 45 Sponsor Accreditation Applications per month, of which an average of 42 were approved and 3 were denied.

The Board of Continuing Legal Education considered several rules changes at its April 12, 1995 meeting, including changes regarding accreditation for listening to audiotapes and teleconferencing discussions. As of September 12, 1995, the rules were amended to require sponsors to pay a \$50.00 application fee for each sponsor application submitted.

Specific groups are exempted from payment of this fee as indicated by the revised Rule 4 of the Rules for Continuing Legal Education.

Members of the Board of Continuing Legal Education are: Stuart R. Day, Chairman; Richard J. Barrett, Vice-Chairman; Sue Kearns; William L. Hiser; Stephen H. Kline; Deborah Kellam; Forrest E. "Skip" Gillum; Roger Schreiner and Brad Dekrey.

FOUNDATION REPORT

Jim Tiemann

IOLTA Program Director Wyoming State Bar Foundation

On October 4, 1995 the Wyoming Supreme Court adopted an amendment to Rule 1.15, Rules of Professional Conduct, making the reporting of all attorney trust accounts mandatory and converting the voluntary Interest on Lawyers' Trust accounts program to "Opt-out."

The Supreme Court action came following recommendations by the Board of Commissioners of the Wyoming State Bar. At the 1995 Annual Meeting in Jackson former Bar President Kermit Brown signed a letter urging the high court to adopt a final draft of the amendment.

Drafting of the rule revision began last spring. Paul Hickey, immediate past-president of the Bar Foundation, and the bar's Executive Secretary Tony Lewis patterned the revision on the American Bar Association's Model Rules of Professional Conduct. They also drew heavily from Idaho's opt-out provisions which Lewis called "one of the best models in the country."

The rule revision was then fine-tuned by the board and attorneys Joel Vincent of Riverton and Tim Kirven of Buffalo were called in to draft the final document.

The first aspect of the new rule calls for the certification and reporting of trust account information for all attorneys who hold funds for clients or third parties. This mandatory reporting of trust accounts applies to all attorneys in private practice, whether or not they participate in the IOLTA program.

Prior to the adoption of this rule, attorneys who held funds for clients or third parties were required to maintain trust accounts. But, they were not required to report to the bar office where the funds were held, the appropriate signatory, or the account numbers.

The second aspect of the new rule converts Wyoming's IOLTA program from voluntary to opt-out. Formerly, attorneys who did not wish to participate in the program were not required to complete any paperwork. Under the new changes, IOLTA participation remains up to each attorney or firm, but if they do not wish to participate they must send a Notice of Declination to the bar's executive secretary. With this change,

Wyoming becomes the 22nd state with an opt-out IOLTA program, while 25 states are operating under a mandatory IOLTA system.

Government and corporate attorneys who do not handle trust accounts are exempt from the opt-out rule. According to the Supreme Court order, the amended rule will become effective 60 days after its publication in the advanced sheets of the Pacific Reporter.

At the Bar Foundation's annual business meeting in Jackson in September, Hickey introduced the new director of the Wyoming IOLTA program, Jim Tiemann. Hickey said Tiemann has been working in this position on a half-time basis since July and will be the full-time director beginning in November.

At the business meeting, the board decided to grant \$14,633.33 to each of the Legal Service Corporations in the state, including Legal Services of Southeast Wyoming, Wind River Legal Services and Legal Aid Services. In addition, another grant totaling \$8,600 was awarded to the Wyoming Law-Related Education Council.

At the meeting, Hickey passed the gavel to the new Foundation President, Rawlins attorney John MacPherson.

Earlier in the meeting, Hickey announced the new board members for the Wyoming State Bar, including Rebecca A. Lewis, Barry G. Williams and Paul J. Drew. All three new board members will serve two-year terms which expire in September, 1997.

With the selection of new board members, the roster of officers reads as follows: John MacPherson, president; Harold E. Meier, vice president; and Michael Mullikin, secretary-treasurer.

THE STATE BOARD OF LAW EXAMINERS OF WYOMING

The Wyoming State Board of Law Examiners administered the Bar exam twice in the past year; on February 21-22 and on July 25-26. Both were administered at the University of Wyoming College of Law. One or both portions of the exam were given to twenty-one persons in February and seventy-five persons in July. As a result, forty-nine persons passed the bar, while thirty-eight failed one or both portions. The board has a few pending exam files to be reviewed.

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

In other business, the Supreme Court amended Rules 202, 302, 303, 304, 305 and adopted Section V of the Rules and Procedures Governing Admission to the Practice of Law, that went into effect September 12, 1995.

The Board of Law Examiners used the National Conference of Bar Examiners Character and Fitness reports for the first time in February and July. The National Conference of Bar Examiners conducts an investigation on those people taking the exam as well as those motion candidates. First year law students are now required to submit the Character and Fitness report to board. Its results will provide notice of any potential admission problems to the students and to the board.

The 1994-95 Board consisted of Chairman Calvin E. Ragsdale, Vice-Chairman Rhonda S. Woodard, Judy A.W. Studer, Frank D. Peasley and John A. MacPherson.

BOARD OF PROFESSIONAL RESPONSIBILITY*Michael H. McCarty, Chairman**Calendar Year 1994* (last year for which full statistics are available)

I.	Cases Carried Forward from Prior Years:	77
II.	Cases Opened in 1994:	47
III.	Cases Dismissed in 1994:	
	a. Dismissals by Standard Bar Counsel Motion and Board Review/Determination	
	Cases opened in 1988:	0
	Cases opened in 1989:	1
	Cases opened in 1990:	0
	Cases opened in 1991:	3
	Cases opened in 1992:	3
	Cases opened in 1993:	23
	Cases opened in 1994:	<u>4</u>
	Total	34
	b. Dismissals by Rule V(c) Procedure (Adopted May 10, 1993)	
	Cases opened in 1993:	2
	Cases opened in 1994:	<u>15</u>
	Total	17
	c. Total Calendar Year 1994 Dismissals	
	(Standard Plus Rule V(c)):	51 ¹

1. 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 1994:²

Disbarment	3
Suspension (one via reciprocal)	2
Public Censure	0
Private Reprimand	5
Informal Admonition	5
Probation	1
Interim Suspension	1
Felony Suspension	0
Disability/Inactive	0

Year to Date 1995 (through September 12, 1995)

I. Cases Carried Forward ³ From 12/31/94:	58
II. Cases Opened (as of 9/12/95):	31
III. Cases Dismissed:	
a. Dismissals by Standard Bar Counsel Motion and Board Review/Determination	
Cases opened in 1989:	2
Cases opened in 1990:	1
Cases opened in 1991:	0
Cases opened in 1992:	1
Cases opened in 1993:	4
Cases opened in 1994:	12
Cases opened in 1995:	<u>4</u>
Total:	24

2. These dispositions involved 16 attorneys relating to 18 files. Additionally, other conditions are often imposed, such as payment of the Board of Professional Responsibility's costs and expenses, taking and successfully completing the MPRE and/or the bar examination and completing a certain number of hours of CLE ethics courses.

3. Actually 56 files remained; reports were sent to the Court on 2 files involving 2 attorneys after 1994 hearings.

b. Dismissals by Bar Counsel - Rule V(c) Procedure⁴

Cases opened in 1994:	1
Cases opened in 1995:	<u>2</u>
Total:	3

c. Total 1995 Year to Date (as of 9/12/95)⁵: 27

IV. Board Hearings Held: 4

V. Discipline Imposed:

Disbarment	2
Suspension	3
Public Censure	2
Private Reprimand	0
Informal Admonition	0
Probation	3
Interim Suspension	0
Felony Suspension	1
Disability/Inactive Suspension	1
Reciprocal Discipline	0

VI. Alternative Dispositions and Inquiries:

In addition to matters which state ethical violations and merit a file opening, Bar Counsel and Assistant Bar Counsel handle “no number cases.” These consist of mailed and hand-delivered letters, walk-ins and phone calls. These do not include “how to file a grievance” calls which the administrative assistants handle.

The correspondence items are variously addressed to the Bar, to the

4. The Rule V(c) procedure is used sparingly because the Complainants almost invariably appeal the dismissal and bear none of the costs of the appeal process. This creates a situation whereby cases are effectively litigated twice causing additional delay and expense. For this reason more often the regular motion to dismiss is utilized.

5. 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.

Law Examiners, to the Grievance Committee, to the Board of Professional Responsibility, to other governmental agencies or offices and the like. Some are addressed to the various courts but shipped to us.

The topics cover the gamut from undescribed items to legal problems to professionalism to fee disputes to criminal matters to constitutional issues. Sometimes phone calls to the attorney and then to the client resolve them. Some items, after review, result in a letter to the writer returning the documents, indicating we cannot detect ethical allegations and advising why we can't assist the person.

We have attempted to log those items for which we have spent a *significant* amount of time, as alternative disposition "cases." Such logged items for 1995 year-to-date (9/12/95) total 17 items. Other handled items are reflected in General Correspondence File listings which year-to-date totals 191 items. This does not include screened matters which were evaluated to be fee disputes and therefore referred to that bar committee. This does not include, of course, all matters we handle daily and attorney requests for resource assistance.

I. CASES OPENED SINCE LAST ANNUAL REPORT

(CASE NOS. 33-94 TO 47-94; 1-95 THROUGH 31-95)

Number Pending ⁶ :	30
Number Dismissed:	13
Tried and/or Discipline Imposed:	3

II. TYPE OF CASES GIVING RISE TO COMPLAINTS

Abstract & Title Opinions:	0
Adoption	2
Bankruptcy	1
Collections	1
Corporations	1
Criminal	13

6. Includes one felony suspension requiring further proceedings.

Contract	0
Domestic Relations	11
Estate Planning	0
Guardianships	0
Governmental	1
Labor Law	0
Litigation	4
Minerals	0
Oil & Gas	0
Personal Injury	2
Probate	1
Partnership	0
Real Estate	2
Trust	0
Workers Compensation	1
Wills	0
Tax	0
Other	6

III. TYPE OF INITIAL COMPLAINT

Deceit or Misrepresentation	14
Incompetent Representation	12
Lack of Diligence	20
Conflict of Interest	5
Fees	0
Refusing to Follow Client's Wishes	3
Lack of Communication	18
Harassment	0
Acting Without Client Consent	2

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	Adversely Reflecting on Fitness to Practice	0
	Ex Parte Contact	1
	Counseling Illegal Conduct	1
	Ineffective Assistance of Counsel	2
	Breach of Confidentiality	5
	Refusal to Deliver Accounting or Files	1
	Tampering with Evidence	0
	Collusion	0
	Frivolous Claim	1
	Refusal to Pay Deposition or Expert Fee	1
	Other	12

COMMENTS

1995 year-to-date thus far has mirrored calendar year 1994 in terms of a somewhat reduced filing amount. Part of the reduction continues to be attributable to better front-end screening and analysis afforded by having two disciplinary attorneys. Some disputes are resolved by telephone. Other matters, upon analysis, have been resolved via alternative disposition. Some matters are appropriately referred to the Committee for the Resolution of Fee Disputes. Whether case filings will increase in the final four months of the year remains to be seen.

Having a full-time Assistant Bar Counsel has been very effective in resolving cases and keeping the total pending caseload at a reduced level. As of September 12, 1995, there are 54 pending files. It appears, based upon the past two years, that at current staffing and activity levels the "static load" of files at any given point in time will always be between 50 to 60 files. The Board's emphasis continues to be to bring the trial case docket current as well as reduce the overall open/investigative docket as much as possible.

WYOMING STATE BAR**Final FY 1995-96 Budget And Three-Year Comparison Report**

	1992-93 Actual	1993-94 Actual	1994-95 Projected ⁷	1995-96 Budget
REVENUE				
General Fund	\$372,239	\$374,431	\$392,014	\$390,271
Communications	19,482	28,179	22,307	25,509
Annual Meeting	88,788	52,370	71,005	58,000
Bd. Prof. Resp.	3,638	4,202	3,424	4,500
Bar Committees	0	0	4,568	0
Restricted Inc.	11,559	38,503	11,169	71,500
Total Revenue	\$497,706	\$497,685	\$504,487	\$549,780
EXPENSES				
General Fund	\$276,146	\$319,891	\$332,189	\$362,588
Communications	54,950	54,392	63,896	66,350
Annual Meeting	57,367	47,228	65,925	50,400
Bd. Prof. Resp.	25,278	16,589	19,314	17,950
Bar Committees	4,272	22,425	8,751	19,797
Restricted Exp. ⁸	20,782	23,637	12,671	28,568
Total Expenses	\$438,795	\$484,162	\$502,746	\$545,653

7. 1994-95 Projected Income and Expenses have been adjusted from previously published reports.

8. Restricted expense includes MCLE expenses in 1991-92 which were not offset by corresponding revenues, since collection of the calendar-year \$5 MCLE fee was delayed by 9 months so that it could be assessed on the same invoice as the annual dues.