

# RULES OF THE WYOMING STATE BOARD OF CONTINUING LEGAL EDUCATION

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### **Rule 1. Purpose.**

By continuing their legal education throughout their practice of law, attorneys can better fulfill their obligation to competently serve their clients. These rules establish minimum requirements for such continuing legal education and the means by which the requirements shall be enforced.

### **Rule 2. Board of Continuing Legal Education.**

(a) *Appointment.* — The Wyoming Supreme Court shall appoint, upon the advice of the president of the Wyoming State Bar, a Board of Continuing Legal Education, consisting of nine members, six of whom shall be members of the Wyoming State Bar with at least five years experience in the active practice of law and three of whom shall be non-attorneys.

(b) *Terms.* — Each member of the Board shall serve a three-year term. Terms shall be on a calendar-year basis and shall be staggered so that three members are appointed each year. Attorneys must succeed attorneys and non-attorneys must succeed non-attorneys on the Board. If a member does not complete a term, the Court shall appoint another person to complete that term. No member shall serve for more than two consecutive terms.

(c) *Governance.* — Each year the Board shall designate one of the lawyer members to serve as Chair, a second as Vice Chair to act in the absence or unavailability of the Chair, and a third as second Vice Chair to act in the absence or unavailability of the Chair and Vice Chair. The executive director of the Wyoming State Bar, or designee, shall serve as the executive secretary of the Board.

(d) Five members of the Board shall constitute a quorum.

(e) The Board shall act only upon concurrence of a majority of a quorum.

(f) The Board has general supervisory authority over the administration of these rules.

(g) All communications to or with the Board or any member thereof relating to matters governed by these rules, and all communications with either the Board or any member thereof relating to waiver of any part of these rules, whether by an attorney or by any person or agent acting for or on behalf of an attorney, shall be transmitted through the office of the Wyoming State Bar unless otherwise directed in writing by the chair of the Board.

(h) All proceedings of the Board relating to applications for waivers or extensions under Rule 7 shall be confidential.

(i) Members of the Board shall be entitled to reimbursement for reasonable travel, meals, lodging and other expenses incurred in the course of their official duties. (Amended August 27, 2014, effective October 1, 2014; amended June 2, 2015, effective July 1, 2015; amended January 24, 2017, effective May 1, 2017; amended July 9, 2019, effective January 1, 2020.)

### **Rule 3. Definitions.**

For the purposes of these rules, the following definitions apply:

(a) “Attorney” means a member of the Wyoming State Bar who is required to complete continuing legal education as provided in these rules.

(b) The “Board” means the Board of Continuing Legal Education.

(c) “Court” means the Wyoming Supreme Court.

(d) An “hour” of continuing legal education means 60 minutes in attendance at a continuing legal education activity. Credit will be given to the nearest quarter of an hour.

(e) “Legal Ethics” means instruction in legal and judicial ethics and professional responsibility. It may include, but is not limited to, subjects dealing with duties of attorneys to the judicial system, court, public, clients and other attorneys; competency; pro bono work; substance abuse, mental health and wellness; attorney fees; and diversity and inclusion. It may also include subjects dealing with law office management to the extent professional responsibility is directly discussed in relation to that topic.

(f) “Mentor” is a lawyer who holds Active or Emeritus status with the Wyoming State Bar and has at least five (5) years of experience in the practice of law.

(g) “CLE Director” is the Continuing Legal Education Director, an employee of the Wyoming State Bar.

(h) “Reporting period” is the calendar year to which the continuing legal education requirement applies.

(Amended August 27, 2014, effective October 1, 2014; amended June 2, 2015, effective July 1, 2015; amended January 24, 2017, effective May 1, 2017; amended July 9, 2019, effective January 1, 2020.)

### **Rule 4. Continuing legal education requirements and conditions.**

(a) *Requirements.* —

(1) *Active Members:* A minimum of 15 hours of continuing legal education including a total of two hours of legal ethics must be completed each calendar year, as provided in these rules.

(2) *New Active Members:* A minimum of 15 hours of continuing legal education including a total of two hours of legal ethics must be completed each calendar year, as provided in these rules. An attorney is exempt from the requirements of this rule during the calendar year in which the attorney is admitted to practice law in Wyoming.

(3) *Emeritus Members:* A minimum of seven (7) hours of continuing legal education including one hour of legal ethics must be completed each calendar year, as provided in these rules.

(b) Continuing legal education credit may be obtained by attending or participating in a continuing legal education activity accredited or eligible for accreditation by the CLE Director under these rules. Credits will not be granted for attending duplicate courses in the same calendar year.

(c) Hours completed in any year in excess of the minimum number, including legal ethics credits, may be carried forward for two years, subject to the restrictions and limitations in Rule 5.

(d) Attorneys who lecture in a continuing legal education activity accredited or eligible for accreditation as provided in these Rules will receive credit for three hours for each hour spent lecturing. If an attorney lectures as part of a panel, the total length of the lecture will be divided by the number of panelists and that portion will be multiplied by three for instruction credit. Credit will not be granted for instructing duplicate courses in the same calendar year unless substantive changes are made in the program.

(e) The final published course schedule of an accredited continuing legal education activity shall be determinative of the number of hours of accredited continuing legal education available through such activity. In all other cases, the CLE Director will determine the number of hours of accredited continuing legal education available through such activity.

(f) To obtain continuing legal education credit, an attorney shall submit an application approved by the Board or apply online on the Wyoming State Bar website ([www.wyomingbar.org](http://www.wyomingbar.org)) for each continuing legal education activity for which credit is sought. The application should be submitted within a reasonable time following participation in the activity. Applications received after March 1 for continuing legal education activities completed during the previous calendar year shall not be accepted.

(1) For continuing legal education activities which have received prior accreditation under Rule 6, no further documentation is required other than the application.

(2) For continuing legal education activities which have not received prior accreditation under Rule 6, the application shall include a brief description of the activity, its dates, subjects, instructors and their qualifications, a copy of the activity outline, activity brochure or other documentation upon which the CLE Director can make a determination as to the qualifications of the activity and the number of credit hours to which the applicant is entitled. Within a reasonable time after receipt of the application and accompanying materials, the CLE Director shall notify the attorney that the activity is not accredited or if the number of hours of credit approved is less than requested. Such notification shall be made by United States mail or by email to the address provided by such attorney to the Wyoming State Bar.

(g) The Wyoming State Bar shall maintain a record of the continuing legal education credits which have been accumulated for each attorney. On November 15 (or the next business day following) the Wyoming State Bar shall notify each attorney of the number of continuing legal education hours credited to that attorney for the current calendar year. Such notification shall be made by United States mail or by email to the address provided by such attorney to the Wyoming State Bar.

(Amended effective July 1, 2012; amended and effective December 14, 2012; amended September 17, 2013, effective January 1, 2014; amended effective May 13, 2014; amended August 27, 2014, effective October 1, 2014; amended June 2, 2015, effective July 1, 2015; amended January 24, 2017, effective May 1, 2017; amended July 9, 2019, effective January 1, 2020.)

### **Rule 5. Standards for continuing legal education activity.**

(a) A continuing legal education activity consisting of lecture (classroom) style instruction qualifies for accreditation, and the attorney participants, both attendees and faculty, are entitled to continuing legal education credit, if the CLE Director determines that:

(1) The activity constitutes an organized program of learning (including workshop or symposium) which contributes directly to the professional competency of an attorney;

(2) The activity pertains to legal subjects or other subject matters which integrally relate to the practice of law;

(3) The activity is conducted or taught in part by attorneys or other individuals who have special education, training and experience by reason of which they should be considered experts concerning the subject matter of the program; and

(4) The activity is accompanied by a detailed program description. In addition, submittal of a written outline for the program and relevant supporting documents is recommended for all programs and required for all programs of longer than 60 minutes. The written outline shall be provided to participants via paper copy or electronically. A PowerPoint or similar slide show may be used to satisfy this requirement.

(b) Time spent researching and writing articles that are published in a legal periodical including without limitation law reviews, legal newsletters, pamphlets, magazines or newspapers, consisting of case summaries, law updates and other subjects of interest to the legal community, qualifies for continuing legal education credit to a maximum of 15 hours in any calendar year. Authors of such articles applying for continuing legal education credit must submit a copy of the article, as published, with the approved form.

(c) An attorney may receive a maximum of five hours of legal education credit each calendar year for providing pro bono public service as defined in Rule 6.1 of the Wyoming Rules of Professional Conduct. Such credit may be received at the rate of one credit hour for each two hours of pro bono public service, including but not limited to (1) performing pro bono public service, (2) acting as a mentor for another attorney who is performing pro bono public service, and (3) acting as a mentor for an eligible law student in accordance with Rule 9 of the Rules Governing the Wyoming State Bar and the Authorized Practice of Law. No pro bono hours may be carried over to any subsequent years.

(d) An attorney may receive a maximum of eight hours of continuing legal education credit each calendar year for self-study programs where audio, video or online material is used. Activities in which the attorney does not have the opportunity to ask the presenter questions during the presentation may be eligible for self-study credit subject to the eight-hour limit. No self-study hours may be carried over to any subsequent years.

(e) Attorneys will not receive continuing legal education credit for any “for profit” activity such as authoring a book or treatise for a fee or commission or teaching a course for which payment of other than expenses is received.

(f) Identical activities will not be accredited unless they are held in different calendar years.

(g) Live-attendance programs in which attendees have the opportunity to ask the presenter questions during the presentation, whether attended in person or remotely, are not considered self-study programs.

(Amended August 27, 2014, effective October 1, 2014; amended June 2, 2015, effective July 1, 2015; amended January 24, 2017, effective May 1, 2017; amended July 9, 2019, effective January 1, 2020; amended April 28, 2020, effective May 1, 2020.)

### **Rule 6. Accreditation of continuing legal education activities.**

A sponsor may apply for accreditation of a continuing legal education program by submitting an application for accreditation online or on a form provided by the CLE Director, along with an application fee established by the Board. The application shall state the dates, subjects offered, total minutes of instruction, names and qualifications of speakers and other pertinent information. Programs are approved for 12 months and must be re-submitted for approval, along with payment of an application fee established by the Board, every 12 months in order for the program to be accredited that year. The application fee will be waived for programs that are being offered free of charge.

(Amended September 17, 2013, effective January 1, 2014; amended August 27, 2014, effective October 1, 2014; amended June 2, 2015, effective July 1, 2015; amended

January 24, 2017, effective May 1, 2017; amended July 9, 2019, effective January 1, 2020.)

### **Rule 7. Hardship waivers and extensions.**

(a) The Board may, in individual cases involving hardship, grant waivers of the continuing legal educational requirements, including the delinquency fee, or extensions of time. Hardship may be shown by illness, medical disability or other extraordinary or extenuating circumstances beyond the control of the attorney, but generally will not include financial hardship or lack of time due to a busy professional or personal schedule. Requests for waivers or extensions of time shall be submitted in writing and must be received by the executive director on or before the last business day preceding March 1 of the year following the reporting period for which the request is being made.

(b) Waivers of the continuing legal educational requirements may be granted by the Board for any period of time not to exceed one year. If the hardship or the extenuating circumstances upon which a waiver has been granted continue beyond the period of the waiver, the attorney must reapply for an extension of the waiver. The Board may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the continuing legal educational requirements waived by such methods as may be prescribed by the Board.

(c) Extensions of time within which to fulfill the continuing legal educational requirements may, in individual cases involving hardship or extenuating circumstances, be granted by the Board for a period not to exceed six months immediately following expiration of the year in which the requirements were not met. Hours of continuing legal educational requirements completed within an extension period will be applied first to the continuing legal educational requirements for the preceding year and will be applied to the current or following year only to the extent that the hours are not required to fulfill the continuing legal educational requirements for the preceding year.

(Amended April 3, 2007, effective June 1, 2007; amended August 27, 2014, effective October 1, 2014; amended June 2, 2015, effective July 1, 2015; amended January 24, 2017, effective May 1, 2017; amended July 9, 2019, effective January 1, 2020.)

### **Rule 8. Exemptions.**

(a) A member of the Wyoming State Bar who is honorary, inactive, honorary retired or retired, according to Article I, Section 3 of the Bylaws of the Wyoming State Bar, is exempt from the provisions of Rule 4, and is not required to obtain or report continuing legal education credit on a yearly basis.

(b) An attorney who is elected to state or national executive or legislative office is exempt from the provisions of Rule 4 if written request for exemption is made each year the office is held.

(c) A member of the Board of Law Examiners is exempt from the provisions of Rule 4 if written request for exemption is made each year the attorney is a member of the Board of Law Examiners.

(d) A person who performed service in the uniformed services is exempt from the provisions of Rule 4 as provided in W.S. § 19-11-119.

(Amended September 30, 2008, effective January 1, 2009; amended August 27, 2014, effective October 1, 2014; amended June 2, 2015, effective July 1, 2015; amended January 24, 2017, effective May 1, 2017; amended July 9, 2019, effective January 1, 2020.)

**Rule 9. Appeals to the Board.**

In the event of denial, in whole or in part, of any application for continuing legal education credit, the attorney may, within 10 days after notification of denial, request in writing that the Board reconsider the denial. The Board's decision upon reconsideration shall be final.

(Amended August 27, 2014, effective October 1, 2014; amended June 2, 2015, effective July 1, 2015.)

**Rule 10. Penalties for failure to satisfy continuing legal education requirement.**

(a) An attorney who has not complied with the applicable continuing legal education requirement by January 15 of the year following the reporting period shall be delinquent and shall be assessed a \$300.00 delinquency fee. As soon as possible after January 15, the executive director of the Wyoming State Bar shall send a Notice of Delinquency to each delinquent attorney. The Notice of Delinquency shall be sent by United States mail and email to the attorney at the official address listed with the Wyoming State Bar. Attorneys who have not complied with the applicable continuing education requirement by January 15 of the year following the reporting period shall have until March 1 to cure the delinquency, along with payment of a \$300.00 delinquency fee payable to the Wyoming State Bar. Applications submitted after January 1 shall be applied first to the attorney's deficiency for the previous calendar year, if any.

(b) As soon as possible after March 1, the Wyoming State Bar shall submit a Recommendation for Suspension for Noncompliance with continuing legal education requirement to the Court for each attorney who failed to comply with the continuing legal education requirement for the previous calendar year and for each delinquent attorney who failed to pay the delinquency fee. A copy of the Recommendation for Suspension for Noncompliance shall be sent by certified mail, return receipt requested, addressed to the attorney at the official address listed with the Wyoming State Bar.

(c) Upon receipt of the Recommendation for Suspension for Noncompliance with the continuing legal education requirement, the Court shall issue an Order to Show Cause as to why the delinquent attorney's license to practice law in the State of Wyoming should not be suspended, sent by certified mail, return receipt requested, addressed to the attorney at the official address listed with the Wyoming State Bar. Upon receipt of the order to show cause, the delinquent attorney shall either remedy the continuing legal education deficiency and pay the \$300.00 delinquency fee or shall file a response with the Court within 30 days of the date of the order to show cause by filing an original and six copies of such response with the clerk of the Court. The delinquent attorney shall also serve a copy of the response on the executive director of the Wyoming State Bar, together with a \$300.00 noncompliance fee payable to the Wyoming State Bar. The \$300.00 noncompliance fee is in addition to the delinquency fee provided in subsection (a) of this rule.

(d) If the attorney files a response to the Order to Show Cause and mails a copy of the response to the executive director of the Wyoming State Bar, the Wyoming State Bar shall submit any additional information to the Court within five (5) days of filing of the attorney's response. The Wyoming State Bar shall serve such submission on the attorney.

(e) In the absence of good cause shown, the Court may in its discretion impose a one year administrative suspension from the practice of law. It may also, in its discretion, not suspend an attorney who provides, in the attorney's response to the order to show cause, (1) a specific plan to correct any noncompliance, with such plan to be completed within 60 days of the filing of the attorney's response to the order to show cause, or (2) evidence of hardship justifying a waiver of such requirements as provided in Rule 7.



(Amended April 3, 2007, effective June 1, 2007; amended August 10, 2012, effective September 30, 2012; amended September 17, 2013, effective January 1, 2014; amended August 27, 2014, effective October 1, 2014; amended June 2, 2015, effective July 1, 2015; amended August 23, 2016, effective January 1, 2017; amended January 24, 2017, effective May 1, 2017; amended July 9, 2019, effective January 1, 2020.)

### **Rule 11. Duties of suspended attorneys.**

(a) Within 15 days of the date of an order of suspension, the suspended attorney shall notify the following persons by registered or certified mail, return receipt requested, of the attorney's suspension and the attorney's consequent inability to act as an attorney after the effective date of the suspension:

(1) All clients with pending matters in the State of Wyoming. The attorney shall advise clients to seek legal advice elsewhere and to obtain another attorney for litigated matters or administrative proceedings in the State of Wyoming.

(2) Any co-counsel who is involved in litigated matters or administrative proceedings in the State of Wyoming.

(3) The attorney for each adverse party or, in the absence of such counsel, the adverse party or parties in litigated matters or administrative proceedings in the State of Wyoming. The notice to parties shall state the place of residence of the client of the suspended attorney.

(4) All courts or administrative bodies in which the attorney has matters pending in the State of Wyoming.

(b) If an attorney has not filed a petition for reinstatement within six months from the date of the order, the attorney shall within 15 days deliver to all present and former clients all client files.

(c) A suspended attorney shall notify the client of all deadlines and scheduled court dates.

(d) A suspended attorney, after entry of the suspension order, shall not accept any new legal matters in the State of Wyoming. During the period from the entry date of the order to its effective date, the attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

(e) A suspended attorney shall return any unearned fees.

(f) Within 30 days after the effective date of the suspension order, the suspended attorney shall file with the Court and executive director of the Wyoming State Bar an affidavit showing that the attorney has fully complied with the provisions of the order and with this rule and stating the address where communications may thereafter be directed.

(g) A suspended attorney shall maintain records of the steps taken to comply with this rule.

(h) The provisions of this section are deemed to be incorporated into all orders of suspension. Failure to comply with any requirement of this section is punishable as contempt.

(i) Suspension under these rules shall be considered an administrative suspension and shall not be considered as a disciplinary infraction.

(Amended April 3, 2007, effective June 1, 2007; amended August 10, 2012, effective September 30, 2012; amended August 23, 2016, effective January 1, 2017; amended July 9, 2019, effective January 1, 2020.)

### **Rule 12. Reinstatement.**

A suspended member may seek reinstatement by filing a petition for reinstatement and six copies with the Court. Such petition shall be filed within one (1) year of the date of the order of suspension. A copy of the petition shall also be provided to the executive

director of the Wyoming State Bar. The petition shall be supported by an affidavit which shows: (1) all past annual license fees, the current year's annual license fee and any late charges have been paid in full, in addition to all past and current annual fees for continuing legal education; (2) the attorney is current on all mandatory continuing legal education requirements; (3) there have been no claims in regard to the attorney by the Client Protection Fund for which the fund has not been reimbursed; and (4) the attorney has complied with all other applicable conditions for reinstatement. The petition shall be accompanied by the fee paid by applicants for admission on motion. A response by the executive director of the Wyoming State Bar may be filed within twenty (20) days of the date of service of the petition for reinstatement.

If an attorney who is suspended from the practice of law for failure to comply with continuing legal education requirements has not petitioned for reinstatement within one (1) year of the date of the order of suspension, such attorney's membership in the Wyoming State Bar shall be terminated by order of the Court. Such attorney who thereafter seeks admission to the Wyoming State Bar shall comply with the admissions requirements set forth in the Wyoming Rules and Procedures Governing Admission to the Practice of Law.

(Amended April 3, 2007, effective June 1, 2007; amended August 10, 2012, effective September 30, 2012; amended August 27, 2014, effective October 1, 2014; amended June 2, 2015, effective July 1, 2015; amended July 9, 2019, effective January 1, 2020.)

### **Rule 13. Fees.**

Each active member of the bar must pay an annual continuing legal education fee in an amount established by the Board, subject to approval by the Court. This fee will be collected by the Bar at the time of the collection of the annual license fee, but will constitute a fee to be used only to defray the costs of administering the rules and regulations for continuing legal education and issuing annual reports. This fee is payable October 1 of each fiscal year and will be considered late on December 1.

(Amended August 27, 2014, effective October 1, 2014; amended June 2, 2015, effective July 1, 2015; amended January 24, 2017, effective May 1, 2017.)