

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2013

In the Matter of the Amendments to)
Sections 3, 6, and 7 of)
The Disciplinary Code for the)
Wyoming State Bar)

**ORDER AMENDING SECTIONS 3, 6, AND 7 OF THE
DISCIPLINARY CODE FOR THE WYOMING STATE BAR**

The Officers and Commissioners of the Wyoming State Bar have recommended that the Wyoming Supreme Court amend Sections 3, 6, and 7 of the Disciplinary Code for the Wyoming State Bar. The Court, having carefully reviewed the proposed amendments, finds that the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Sections 3, 6, and 7 of the Disciplinary Code for the Wyoming State Bar, attached hereto, be, and hereby are, adopted by the Court to be effective July 1, 2013; and it is further

ORDERED that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall thereafter be spread at length upon the journal of this Court.

DATED this 27th day of June, 2013.

BY THE COURT:

/s/

MARILYN S. KITE
Chief Justice

DISCIPLINARY CODE FOR THE WYOMING STATE BAR

3. Definitions.

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

(b) “Bar Counsel” means a member of the Wyoming State Bar employed by the ~~Commissioners~~ Wyoming State Bar to perform duties pursuant to these rules. “Bar Counsel” includes “Special Bar Counsel.”

6. Bar Counsel and Special Bar Counsel.

(a) The investigative and prosecutorial functions of a disciplinary proceeding shall be directed by Bar Counsel.

(b) Bar Counsel shall have the following powers and duties:

(i) To review and investigate any complaint to determine whether a prima facie violation exists, and to initiate an investigation, with the prior approval of the Peer Review Panel, upon receipt of information from any source which may indicate or suggest a violation of the Rules of Professional Conduct;

(ii) To issue subpoenas;

(iii) Upon finding that a prima facie violation has been alleged, Bar Counsel may initiate an investigation. The determination of whether or not to initiate an investigation is vested within the sound discretion of Bar Counsel, and is not appealable;

(iv) To conduct all necessary investigations;

(v) To conduct the prosecutorial function concerning disciplinary proceedings and reinstatement petitions, including negotiation of stipulated disposition as provided herein;

(vi) To supervise staff provided for the performance of Bar Counsel functions, including hiring, performance review, compensation and termination, all in consultation with the Peer Review Panel;

(vii) To promptly notify the complainant and respondent of the disposition of each matter;

(viii) To assist the Wyoming State Bar in dissemination of information regarding public discipline imposed upon a respondent;

(ix) To notify each jurisdiction in which a respondent is known to be admitted of a reinstatement or any public discipline imposed;

(x) When it comes to the attention of Bar Counsel that an attorney has been convicted of a serious crime, to inform the disciplinary agency in each jurisdiction in which the attorney is known to be admitted;

(xi) To provide a written status report to the BPR and Panel no less than quarterly on those matters within their duties and responsibilities;

(xii) Without disclosing the identities of complainants and respondents, to provide a written status report to the Commissioners no less than quarterly regarding all open files; -

(xiii) To assist the Peer Review Panel in developing an annual budget for the office of Bar Counsel for submission to the Board of Officers and Commissioners of the Wyoming State Bar.

(c) Special Bar Counsel may be employed ~~by the Commissioners~~ in cases in which a complaint has been made against Bar Counsel, Bar Counsel has a conflict of interest, or for other good cause shown. Special Bar Counsel shall have the same powers and duties as Bar Counsel.

7. Peer Review Panel.

(a) The Court shall appoint, upon the advice of the president of the Wyoming State Bar, a Peer Review Panel consisting of three members, all of whom shall be attorneys. One member shall be designated by a majority vote of the Panel as chair, and one member as vice-chair to act in the absence or disability of the chair.

(b) When the Panel is first selected, one member shall be appointed to a three year term, one member shall be appointed to a two year term, and one member shall be appointed to a one year term. Thereafter, all terms shall be three (3) years.

(i) No member shall serve more than two consecutive terms, although a former member may be appointed to serve again after having been off the Panel for at least three (3) years.

(ii) Consideration shall be given to the appointment of members who reside in different parts of the state and who have differing degrees of experience and types of expertise in the practice of law.

(c) The Panel shall:

(i) In consultation with the Executive Committee of the Wyoming State Bar and the Wyoming Supreme Court, make decisions regarding the hiring, compensation and termination of Bar Counsel;

(ii) Approve the hiring of Special Bar Counsel;

(iii) Provide general supervision of, guidance to, and oversight of the office of Bar

Counsel;

~~(ii)~~ (iv) Report to the Commissioners regarding the performance of the office of Bar Counsel;

(v) Prepare and submit an annual budget for the office of Bar Counsel to the Board of Officers and Commissioners of the Wyoming State Bar. In the event the Peer Review Panel's annual budget is not approved by the Board of Officers and Commissioners and no agreement can be reached, the Wyoming Supreme Court will be consulted and the Court's decision will control;

~~(iii)~~ (vi) Determine whether probable cause exists, justifying the filing of a formal charge ~~or petition regarding disability status~~;

~~(iv)~~ (vii) Perform requested reviews of dismissals pursuant to Section 11(b); and

~~(v)~~ (viii) Determine whether sufficiently credible or verifiable information exists to warrant an investigation by Bar Counsel as provided in Section 11(a).

(d) The Panel shall act only upon concurrence of two of the three members.

(e) For good cause shown, the Court may appoint a temporary replacement member or members in situations in which one or more of the regularly-appointed Panel members are not available to serve.
