

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2012

In the Matter of the Amendments to)
Article I, § 4 of the)
Bylaws of the Wyoming State Bar)

**ORDER AMENDING ARTICLE I, § 4 OF THE BYLAWS OF THE
WYOMING STATE BAR**

The **Officers and Commissioners of the Wyoming State Bar** have recommended that the Wyoming Supreme Court amend Article I, Section 4 of the Bylaws of 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 Article I, Section 4(a) of the Bylaws of the Wyoming State Bar, attached hereto, be, and hereby are, adopted by the Court to be effective September 30, 2012; 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 10th day of August, 2012.

BY THE COURT:

MARILYN S. KITE
Chief Justice

BYLAWS OF THE WYOMING STATE BAR

ARTICLE I. MEMBERSHIP

Section 4. Annual license fee.

(b) ~~As soon as practicable after the second week in September of each year~~ During the first week of October of each year, the executive director shall send a written statement for the annual license fee and a change of information reporting form consistent with Article I, Section 2 to each member of the State Bar. ~~The annual license fee is payable by October 1 of each year except when a person is first admitted to practice law in Wyoming; then the date for payment of the annual license fee shall be 30 days after the date of the notice.~~ The annual license fee is due November 30 and delinquent December 1. When a person is first admitted to practice law in Wyoming, payment of the annual license fee shall be due 30 days after the date of admission. If a person is admitted after April 1, the license fee for the current year shall be reduced by half and shall be due 30 days after the date of admission.

(c) If any member is in default for the payment of the annual license fee on December 1, the Executive Director shall send a notice of delinquency and notice of late fee to any such member. If any member remains in default on December 15, the Executive Director shall certify to the Supreme Court the name of such member. The chief justice of the supreme court shall, within 30 days of the notice by the State Bar, issue against such member an order, returnable ~~20~~ 30 days ~~thereafter~~ from the date thereof, to show cause why membership in the Wyoming State Bar should not be suspended. The order should be mailed by ~~regular mail and certified or registered~~ mail, with return receipt requested, to the attorney's address on file with the State Bar. The order may be mailed by the office of the State Bar so long as it bears an appropriate date and signature of the chief justice and proper response is directed to the supreme court. A member's original response to the order to show cause, along with six copies, shall be filed with the Wyoming Supreme Court. A copy of the response shall also be provided to the Executive Director. If good cause is not shown in response to such order, an order of suspension from the practice of law for a period of ~~up to three years~~ one (1) year shall issue from the supreme court; provided that if it is determined that the member in default is unable for good cause to pay the annual license fee, the payment of such annual license fee for that year may be remitted or suspended in whole or in part by order duly entered by the supreme court.

(d) 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 in pending matters. The attorney shall advise clients to seek legal advice elsewhere and to obtain another attorney for litigated matters or administrative proceedings.

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

(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. 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.

(e) If an attorney has not filed a petition for reinstatement within six (6) months from the date of the order, the attorney shall within 15 days deliver to all present and former clients all client files.

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

(g) A suspended attorney, after entry of the suspension order, shall not accept any new legal matters. 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.

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

(i) Within 30 days after the effective date of the suspension order, the suspended attorney shall file with the Court and Board 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.

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

(k) 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.

(l) Suspension under this section shall not be considered as a disciplinary infraction.

~~(m) The order of suspension from the practice of law for non-payment of annual license fee may be vacated at any time upon petition to the supreme court by the attorney. The suspended member may be reinstated upon the filing of a petition for reinstatement within one (1) year of the date of the order of suspension, which petition, along with six copies, shall be filed with the Supreme Court. A copy of the petition shall also be provided to the Executive Director. The petition shall be supported by an affidavit which shows: (1) that all past annual license fees, the current year's annual license and any late charges have been paid in full, in addition to all past and current annual fees for continuing legal education; (2) that the attorney is current on all mandatory continuing legal education requirements; and (3) that there have been no claims or awards made in regard to an attorney on the client's security fund for which the fund has not been reimbursed; and (4) the attorney has complied with all other applicable conditions for reinstatement. In each case, petitions shall be referred to the State Board of Law Examiners which shall make investigation to determine character and fitness and provide a recommendation to the supreme court regarding reinstatement. The petition shall be accompanied by all appropriate fees for applicants for admission on motion. A response by the Executive Director may be filed within 20 days of the date of service of the petition for reinstatement.~~

~~(e) (n) If an attorney who is suspended from the practice of law for non-payment of the annual license fee(s) has not petitioned for removal of the order of suspension from the practice of law prior to the expiration of three years from the date of the order of suspension from the practice of law, the Executive Director of the Wyoming State Bar may recommend to the supreme court that an order to show cause be entered why the attorney's membership in the Wyoming State Bar should not be terminated. Such order shall be mailed consistent with procedures described in section (e) above, returnable within 20 days from the date of receipt. If good cause is not shown, the attorney's membership may be terminated by the court. 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 Sections II and IV of the Wyoming Rules and Procedures Governing Admission to the Practice of Law.~~

(f) (o) Any person having been admitted to the Wyoming State Bar who desires to withdraw therefrom shall file a written application to the Bar ~~bar requesting termination of that person's status as a member~~. The application shall be reviewed by the Executive Director of the Bar, in consultation with Bar staff, who shall then make a recommendation for action on the ~~petition request~~ by the Supreme Court. The Supreme Court ~~court~~ may then enter such order as it deems appropriate. According to the terms of the order allowing withdrawal by the Supreme Court ~~supreme court~~, the person shall cease to be a member of the Wyoming State Bar by removal of that person's name from the membership register. A member who has been suspended for failure to pay license fees or complete the required continuing legal education may not withdraw without ~~ending the suspension~~ petitioning for reinstatement, pursuant to Article I, § 4(d) of the Bylaws of the Wyoming State Bar and Rule 12 of the Rules of the Wyoming State Board of Continuing Legal Education. A member who has a pending disciplinary matter may not withdraw until such matter is resolved. A member who is suspended or disbarred may not withdraw in good standing until the member is reinstated. For purposes of this section, "in good standing" means; all past and current license fees and any late charges are paid in full; all past and current annual fees for continuing legal education are paid; the attorney is current on all mandatory legal education requirements; and there have been no claims or awards made in regard to the attorney on the client security fund for which the fund has not been reimbursed.

(g) (p) Members who change their status ~~from active to inactive~~ during the course of a fiscal year may not receive a refund for the difference in the annual license fees ~~between active and inactive~~ if the annual license fee for the new status is less, but shall pay any applicable increase in the annual license fee for the new status.
