

***IN THE SUPREME COURT, STATE OF WYOMING***

***October Term, A.D. 2016***

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***In the Matter of Amendments to                    )***  
***the Rules of the Wyoming State                )***  
***Board of Continuing Legal Education        )***

**ORDER AMENDING THE RULES OF THE WYOMING STATE BOARD OF  
CONTINUING LEGAL EDUCATION**

**The Wyoming State Board of Continuing Legal Education** has recommended that this Court amend the Rules of the Wyoming State Board of Continuing Legal Education. This Court finds that the Board's recommendations should be adopted. It is, therefore,

**ORDERED** that the Amendments to the Rules of the Wyoming State Board of Continuing Legal Education, attached hereto, be, and hereby are, adopted by the Court to be effective May 1, 2017; and it is further

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

**DATED** this 24<sup>th</sup> day of January, 2017.

**BY THE COURT:**

/s/

**E. JAMES BURKE**  
**Chief Justice**

## Rules of the Wyoming State Board of Continuing Legal Education

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

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(d) ~~The~~ Each year the Board shall elect a vice-chairperson from its membership who shall, in the event of the resignation, absence, incapacity or demise of the chairperson, act as chairperson until such time as the absence or incapacity has been removed or the Board designates a new chairperson.

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### Rule 3. Definitions.

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

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(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 ~~client development~~ 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.

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### 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.

(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.

~~(4) *New Admittees by Examination or UBE Score Transfer*. Each new admittee by examination or by Uniform Bar Examination score transfer shall attend, within 12 months from the date of admission to the Wyoming State Bar, a six-hour continuing legal education course entitled "Pathways to Professional Practice." The Pathways course shall be conducted by the Wyoming State Bar and shall be available at least twice each year, at such times and places as the Wyoming State Bar may designate, and may be counted toward the 15 hours of continuing legal education that must be obtained pursuant to this rule.~~

(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.

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

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(e) An attorney may receive a maximum of six hours of continuing legal education credit each calendar year for self-study programs where audio, video or online material is used. No hours may be carried over to any subsequent years.

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#### **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 and approved by the Board at least 30 days prior to the activity, along with an application fee established by the Board. The application fee established by the Board is subject to approval by the Court. 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.

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

(a) The Board may, in individual cases involving hardship, grant waivers of the continuing legal educational requirements 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 to the Board prior to March 1 of the year following the reporting period for which the request is being made, ~~provided, however, that any such requests pertaining to the Pathways requirement set forth in Rule 4(a)(4) shall be submitted within 12 months of the date of the attorney's admission.~~ The Board shall have discretion to review an untimely request if the attorney shows good and sufficient cause as to why the request was not submitted within the time required by this rule, and if the untimely request is submitted to the Board before a Recommendation for Suspension for Noncompliance has been submitted to the Court.

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

(a) An attorney is exempt from the provisions of Rule 4(a) during the calendar year in which the attorney is admitted to practice law in Wyoming; ~~provided, however, that new admittees by~~

~~examination or by Uniform Bar Examination score transfer must comply with the mandatory continuing legal education requirements set forth in Rule 4(a)(4).~~

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**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 ~~subject to~~ assessed a \$300.00 delinquency fee. As soon as possible after January 15, 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 are delinquent shall have until March 1 to submit applications for adequate credits 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 15, the Board, upon certification from the Wyoming State Bar that the requirements of Rule 4(a) and/or Rule 10(a) have not been met by the attorney, and that the Notice of Delinquency required by Rule 10(a) was timely sent to the attorney, shall forward 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, or for any delinquent attorney who has failed to pay the delinquency fee. ~~For attorneys who have not complied with the Pathways requirement set forth in Rule 4(a)(4) within 12 months from the date of admission, the Recommendation for Suspension for Noncompliance shall be forwarded to the Court as soon as possible after the expiration of the 12 months.~~ 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. The delinquent attorney may 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 Board, 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.

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**Rule 13. Fees.**

Each active member of the bar must pay an annual ~~C~~continuing ~~L~~legal ~~E~~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.

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