

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2013

In the Matter of the Amendments to the)
Rules and Procedures Governing)
Admission to the Practice of Law)

**ORDER AMENDING THE RULES AND PROCEDURES GOVERNING
ADMISSION TO THE PRACTICE OF LAW**

AND

**ORDER SUSPENDING OPERATION OF A PORTION OF RULE 107 OF THE RULES AND
PROCEDURES GOVERNING ADMISSION TO THE PRACTICE OF LAW**

This matter came before the Court upon a recommendation from the Wyoming Board of Law Examiners that this Court amend Rules 100, 101, 103, 104, 105, 110, 201, 204, 302, 304, 305, and 306 of the Rules and Procedures Governing Admission to the Practice of Law. In addition, the Board recommends the adoption of proposed Rule 111, the repeal of Rule 501, and the temporary suspension of a portion of Rule 107. This Court finds that the Board's recommendations should be accepted. It is, therefore,

ORDERED that the proposed amendments to Rules 100, 101, 103, 104, 105, 110, 111, 201, 204, 302, 304, 305, 306, and 501 of the Rules and Procedures Governing Admission to the Practice of Law, attached hereto, are adopted by the Court to be effective immediately; and it is further

ORDERED that the last sentence of Rule 107 of the Rules and Procedures Governing Admission to the Practice of Law is hereby suspended with respect to an bar admission applications pending at the time of this order. That sentence provides: "An application shall be governed by the Rules and Procedures in effect at the time the application is filed with the Clerk of the Supreme Court." Thus, the rule amendments adopted by this order shall apply to applications already on file, as well as those filed after entry of this order; 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 21st day of January, 2014.

BY THE COURT:

/s/

MARILYN S. KITE
Chief Justice

Rules and Procedures Governing Admission to the Practice of Law

Rule 100. Statutory authority; Definitions.

(a) These Rules are promulgated pursuant to W.S. §§ 33-5-101 et seq. As to applications for admission to the bar, generally, see W.S. § 33-5-104. As to qualifications of applicants, see W.S. § 33-5-105. As to entitlement to two examinations, certificate of admission and disposition of fees, see W.S. § 33-5-106. As to fraudulent applications as cause for revocation, see W.S. § 33-5-107.

(b) All references herein to the “Court,” the “Board,” the “Bar” and the “Committee” shall refer respectively to the Supreme Court, the Wyoming State Board of Law Examiners, the Wyoming State Bar and the Character and Fitness Committee of the Board of Law Examiners, unless otherwise specifically provided.

Rule 101. Board of Law Examiners.

(a) Pursuant to W.S. § 33-5-101, ¶the Board shall consist of five resident members of the Bar who are learned, experienced and of generally recognized ability and integrity and who have further completed five years in the active practice of law. Members shall be appointed by the Supreme Court for terms of three years each. No more than one member shall be appointed from the same judicial district. Appointments to fill vacancies occurring other than by expiration of a term shall be for the unexpired term. Each member of the Board shall take and subscribe an oath to faithfully, carefully and impartially perform all of the duties imposed as a member of the Board, which oath shall be entered upon the minutes retained by the Bar on behalf of the Supreme Court. The Board shall designate a chair and a ~~vice-chair~~ secretary from its membership, who, acting together, shall constitute an executive committee. Any action which may be taken by the Board, when the Board is not in session, and time is of the essence, may be taken by the executive committee, which shall promptly notify the members of the Board of such action. The action of the executive committee shall be subject to confirmation at the next regular meeting of the Board. The Board shall designate an Executive Secretary, who shall be the Executive Director of the Bar.

(b) Pursuant to W.S. § 33-5-102, ¶the Board shall hold at least two regular meetings each year for the examination and review of all applicants, at times and places designated by the chair. Other meetings of the Board shall be called as necessary by the chair at such place or places as may be convenient. These other meetings may be conducted by telephone conference call. At all meetings, a majority of the Board shall constitute a quorum. Members of the Board are excused from court appearances in all courts of the State of Wyoming while in attendance at any meeting of the Board duly called by its chair provided reasonable and timely notice of such a meeting is conveyed to the appropriate court and to opposing counsel. It shall further be the duty of the Board to certify and recommend all applicants for admission to the Supreme Court. All petitions / applications for examination, ~~and~~ admission on motion and for admission by UBE score transfer shall be ~~received by~~ filed with the Supreme Court and forwarded to the Board, which shall verify information on each applicant's petition, investigate each applicant's qualifications

and conduct further proceedings described in Section IV as it deems necessary to determine character and fitness. Upon completing such examination and/or investigation described herein, the Board shall report its recommendations and findings to the Supreme Court in a timely manner.

(c) Pursuant to W.S. § 33-5-103, ~~E~~each member of the Board shall receive compensation, a per diem and mileage allowance as provided by law or as allowed by the Supreme Court. Expenses incurred by Board members shall be directly and individually submitted upon an itemized voucher to the Executive Secretary of the Board for proper verification and certification. Upon obtaining such a voucher and securing the appropriate certification, the Executive Secretary shall promptly submit the voucher and certification to the Supreme Court for payment from revenues earmarked for the Board.

Rule 103. Office of the Bar.

The office of the Bar shall serve as office of the Board and the Character and Fitness Committee. It shall perform all administrative duties for the Board and the Committee, including the receipt ~~and printing~~ of examination ~~questions~~ answers; assist in the investigation of applicants and their qualifications; and prepare minutes, proceedings, certifications and recommendations required of the Board and the Committee by state law and the Court. The State Bar shall also draft and submit all budgets, vouchers and fiscal reports required by the State of Wyoming. The Bar shall also perform such other duties as may be requested by the Board or the Court.

Rule 104. Records.

(a) The Bar shall maintain copies of records that are generated in the course of accepting and processing applications for admission on motion, records generated in accepting and processing applications for admission by UBE score transfer, and records generated in accepting and processing applications to sit for bar examinations and the results of taking the bar examination. The following original records shall be maintained at the Court subsequent to the report and recommendation of the Board:

(4) With respect to applicants for admission by UBE score transfer:

(A) The original application, including the questionnaire, affidavit and all supporting data required by the Board to determine eligibility; and

(B) Original report and recommendation by the Board.

(b) Information and documents obtained by the Board and the Committee pursuant to their investigations and relevant to the requirements of the Board shall be retained by the Bar and shall be confidential, subject to the following exceptions:

(8) All other information provided by or obtained with respect to an applicant for admission on motion, for admission by UBE score transfer, or to sit for a bar

examination, including examination results, except as specifically provided for herein, shall be considered confidential and privileged.

Rule 105. Waivers.

The Board may, for good cause shown by clear and convincing evidence, waive any rule, bylaw or approval required from the Board of Law Examiners which relates to the admission to the practice of law in Wyoming; provided, however, the Board shall not waive filing fees, ~~nor shall the Board waive the prohibition on regrading of essay answers after the general release of grades.~~ The decision of the Board not to waive any rule herein subject to waiver may be appealed to the Court.

Rule 110. Attorney's Oath Form: Entry on Minutes; Time Limit on Admission.

(a) Pursuant to W.S. § 33-5-112, ~~F~~following the order of the Supreme Court admitting the applicant to the Bar with authority to practice as an attorney and counselor at law in the Supreme Court and all courts of the State of Wyoming, the candidate shall make the following oath:

Rule 111. Admission of Law Professors to Bar.

(a) Upon application a professor of the University of Wyoming College of Law who has been employed as a professor by such university on a full-time basis for at least two (2) complete scholastic years may apply for admission to practice law in the State of Wyoming without examination by the Board of Law Examiners.

(b) Applicants under this rule shall be graduates of a law school provisionally or fully approved by the American Bar Association at the time of such applicant's graduation. All applicants under this rule shall be required to submit proof of his or her admission by examination to the bar of another state. Applicants shall be required to pay the fee required by law and to file an application with the Board containing information relative to his or her educational and professional background and moral character.

(c) Law professors may make application pursuant to this rule following two (2) years of full-time teaching, provided, however, that such applicant, should he or she discontinue such full-time teaching, shall be required to notify the Wyoming State Bar and reapply for admission, if desired.

(d) The Board may require such information from any such applicant as it is authorized to require of any applicant not within the exception made by this rule and may make such investigations, conduct such hearings and otherwise process said application as if made pursuant to application for admission without an examination.

(e) If after such investigation as the Board may deem appropriate it concludes that such applicant possesses the moral qualities and the intellectual attainments required of all other applicants for admission to practice law in the State of Wyoming, it shall recommend such

applicant for admission to practice and if said recommendation is accepted by the Supreme Court of the State of Wyoming, said applicant shall be admitted to practice and enrolled as a member of the Wyoming State Bar with all of the privileges and rights enjoyed by any member of the Wyoming State Bar admitted pursuant to application and admission by examination. The Board may receive and act upon any such application at any time or in its discretion may require that such applications be received and processed by the Board at the same time and in the same manner as applications for admission upon examination.

Rule 201. Applications for Examination.

(a) The Wyoming Uniform Bar Examination shall be administered ~~in conjunction with the national Multistate Bar Examination (MBE),~~ given in February and July of each year. An application to take the February administration of the Wyoming Uniform Bar Examination must be filed with the Clerk of the Supreme Court no later than the 1st 15th day of ~~October~~ November. An application to take the July administration of the Wyoming Uniform Bar Examination must be filed with the Clerk of the Supreme Court no later than the 1st 15th day of ~~March~~ April.

Rule 204. Examinations.

~~(c) The MEE and the MPT are administered on one day. The MEE portion of the UBE consists of six essay questions developed by the NCBE. The questions are graded using generally applicable principles of law. There are no Wyoming law specific questions on the exam. Three hours is allocated to answer the six essay questions. The MPT consists of two, ninety minute questions developed by the NCBE. A total of three hours is allocated to answer two MPT questions. The MPT questions are designed to test skills commonly used by lawyers practicing law competently. These skills generally include, but are not limited to, the following: Legal Analysis, Fact Analysis, Awareness of Professional Responsibility, Problem Solving, Research Skills, and Writing Skills.~~

~~(d) The MBE is administered in one day. The MBE is a 6-hour, 200-question multiple-choice test developed by the NCBE. The MBE is divided into a 3-hour morning session and a 3-hour afternoon session.~~

Rule 302. Eligibility.

At the discretion of the Court, and upon the submission of (1) the application(s) required by the Board certifying the qualifications of eligibility listed below, (2) all supporting data, and (3) the necessary fees, admission may be granted to an applicant who:

- (b) Is not now nor ever has been admitted to the practice of law in Wyoming or, if previously admitted, one whose membership was withdrawn ~~or terminated in good standing~~; and who: *****

Rule 304. Applications, Fees and Filing Deadlines.

- (a) An application for admission on motion shall consist of two parts
- (1) a questionnaire and affidavit for applicants seeking admission on motion prescribed or approved by the Board, and
 - (2) a character investigation performed by or for the National Conference of Bar Examiners, ~~and~~.
- (b) The questionnaire and affidavit prescribed or approved by the Board shall be submitted with all supporting data required by the Board to determine eligibility under Rule 302, above. Supporting data to the application shall include the following:
- (1) ~~A certified copy of the applicant's license of admission or records of admission under the seal of the court~~ certificate of good standing from the highest court for each jurisdiction in which the applicant is admitted to practice law;
 - (2) ~~A certificate by a judge of a court of record of such other state, territory or district before which the applicant has practiced law, setting forth the maker's acquaintance with the applicant, the facts and circumstances of such acquaintance, containing a positive and unqualified statement that the applicant is a worthy, fit and proper person to perform and accept the obligations and responsibilities of a member of the Bar and stating that the applicant is of good standing in the courts of such other state or territory. One of the following:~~
 - (i) A Certificate by a judge or hearing officer of a tribunal of record of such other state, territory or district before which the applicant has practiced law; or
 - (ii) A Certificate by a member in good standing of the Bar of the State of Wyoming for at least 10 continuous years that the applicant is a person of good character and reputation, and competent legal ability; or
 - (iii) Two Certificates from any officer of a court in the applicant's current resident bar, provided that no such Certificate shall be submitted by any family member or client of the applicant, or by any two individuals within the same firm.

As used in subparts (i), (ii) and (iii) of this Rule, a "Certificate" shall be a sworn statement which shall include, at a minimum, the maker's acquaintance with the applicant, the facts and circumstances of such acquaintance, and a positive and unqualified statement that the applicant is a worthy, fit and proper person to perform and accept the obligations and responsibilities of a member of the Bar. Such Certificate shall be in a form and content approved by the Board.

- (3) Verification of 45 hours of approved or approvable course work in Continuing Legal Education during the three years immediately preceding the application for admission to the Wyoming Bar;
- (4) Two authorization and release forms; and
- (5) Proof the applicant has passed the Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful examination applicants under Rule 211.

Rule 305. Reviews of Applicants for Admission on Motion.

~~(a) The Board shall meet to recommend applicants for admission on motion twice yearly, as determined by the Board. The application and affidavit prescribed by the Board must be received together with all supporting data, including the request for the character report from the National Conference of Bar Examiners. The application and all necessary fees must be filed with the Court by the 1st day of March, to be admitted with the July examination applicants or by the 1st day of October, to be admitted with the February examination applicants.~~

~~(b) An applicant for admission on motion may be admitted to the practice of law in Wyoming at the discretion of the Court once the Board has received the necessary fees, reviewed the application and motion, together with all supporting data and has forwarded its recommendation to the Court, which will act on the recommendation in a timely manner. Any fraudulent act or misrepresentation in connection with the application shall be sufficient cause for the revocation of a subsequent order admitting the applicant to practice. Pursuant to Rule 302(g), an applicant for admission on motion who has not practiced for five of the seven years immediately preceding the date of the application in a jurisdiction that grants bar admission to attorneys licensed in Wyoming on the basis of practice in Wyoming shall not be eligible for admission on proof of practice elsewhere.~~

Rule 306. Admission by Transfer of Uniform Bar Examination Score.

~~(e) Applications filed pursuant to this rule shall be subject to the provisions of Rule 305. However, the last sentence of Rule 305(b) does not apply to applications filed pursuant to this Rule 306. An applicant for admission by transfer of UBE score may be admitted to the practice of law in Wyoming at the discretion of the Court once the Board has received the necessary fees, reviewed the application and motion, together with all supporting data and has forwarded its recommendation to the Court, which will act on the recommendation in a timely manner. Any fraudulent act or misrepresentation in connection with the application shall be sufficient cause for the revocation of a subsequent order admitting the applicant to practice.~~

SECTION V
PREREGISTRATION OF EXAMINATION APPLICANTS

Rule 501. Introduction.

~~First-year law students in Wyoming who intend to enter the practice of law in Wyoming following graduation are encouraged to register with the National Conference of Bar Examiners for an initial character report. Its purpose is to identify character and fitness issues in a law student's first year that may preclude or hinder later admission. The investigation serves to alert students to potential problems that may bar admission before he or she devotes the substantial time and expense necessary to prepare for practice.~~

- ~~(a) Every person intending to apply for admission to the Bar by examination may register with the Board on forms furnished by the Board and by paying the fee required by the National Conference of Bar Examiners for its student preregistration program. This fee shall be in addition to the application fee required under Rule 201 (b) above. Data submitted may be retained by the Bar in a manner consistent with the record keeping provisions of Rule 103.~~
- ~~(b) The registration as a law student under this rule is not deemed an application for permission to take the bar examination.~~
- ~~(c) The Board shall, in each case, review such registration at such time and in such manner it may elect. The Board or Committee may make independent inquiry and investigation as to applicant's moral character and fitness to be a member of the Bar. The Board may conduct further proceedings, and with regard to each registration, the Board shall have all of the powers given it in respect to inquiry and investigation of candidates for admission to the Bar according to the procedures set forth in Section IV of its rules. The Board shall thereafter report to the court the results of its findings, together with its recommendations at the time the results of the examination are conveyed to the Court according to the provisions of Rule 211(f) above. A copy of the Board's report to the Court shall be provided to the law student.~~
- ~~(d) The Board's recommendations shall be deemed preliminary, shall not be deemed a commitment of permission to take the bar examination and shall not be deemed a waiver of any facts or conduct after discovered or occurring subsequent to the Board's inquiry and investigation.~~
