

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2015

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**

The Wyoming Board of Law Examiners has recommended that this Court amend the Rules and Procedures Governing Admission to the Practice of Law. This Court finds that the Board's recommendations should be adopted. It is, therefore,

ORDERED that the amendments to the Rules and Procedures Governing Admission to the Practice of Law, attached hereto, are adopted by the Court to be effective July 1, 2015; 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 also be recorded in the journal of this Court.

DATED this 2nd day of June, 2015.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice

Rules and Procedures Governing Admission to the Practice of Law

SECTION I GENERAL PROVISIONS

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 Wyoming Supreme Court, the Wyoming State Board of Law Examiners, the Wyoming State Bar and the Character and Fitness Committee of the Wyoming State Board of Law Examiners, unless otherwise specifically provided.

(c) “NCBE” refers to the National Conference of Bar Examiners.

(d) “UBE” refers to the Uniform Bar Examination as developed by the NCBE.

(e) “MBE” refers to the Multistate Bar Examination component of the UBE.

(f) “MEE” refers to the Multistate Essay Examination component of the UBE.

(g) “MPT” refers to the Multistate Performance Test component of the UBE.

(h) “MPRE” refers to the Multistate Professional Responsibility Examination as developed by the NCBE.

~~(i) No person shall be admitted to the Bar who has not reached the age of majority.~~

Rule 101. Board of Law Examiners.

(a) Pursuant to W.S. § 33-5-101, the Board of Law Examiners 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. The Court, with advice and recommendation from the president of the Bar, shall appoint all members for a term of three (3) years. No person appointed shall be permitted to serve for more than two (2) consecutive, full terms. Any vacancy created for whatever cause or reason shall be filled by appointment by the Court with advice of and recommendation from the president of the Bar. No more than one member shall be appointed from the same judicial district. 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 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~~ the Executive Director of the Bar shall serve as Executive Secretary to the Board.

(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 Court. All petitions/applications for examination, admission on motion and for admission by UBE score transfer shall be filed with the 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 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 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 Court for payment from revenues earmarked for the Board.

SECTION II APPLICATION FOR ADMISSION BY EXAMINATION

Rule 201. Applications for Examination.

(a) The UBE shall be administered in February and July of each year. An application to take the February administration of the UBE must be filed with the Clerk of the Court no later than the 15th day of November. An application to take the July administration of the UBE must be filed with the Clerk of the Court no later than the 15th day of April. Filing will not be measured ~~measure~~ by postmark dates. Faxes and emails will not be accepted.

Rule 202. Educational Requirements.

~~(a)~~ The Board shall, before allowing an applicant to take the UBE, be satisfied that the applicant ~~has satisfactorily completed the course of study prescribed by law; and the following information shall be submitted by an applicant:~~

- ~~(1) Certification from an American Bar Association accredited law school that it has awarded applicant a juris doctor (JD) or Bachelor of Letters of Law (LLB); or~~

~~(2) If the applicant is seeking admission after studying law in the office of a member of the Bar or a judge as provided in Wyo.Stat. Ann. § 33-5-105, the applicant must:~~

~~(A) before embarking upon such study, present the proposed course of study to the Board for approval;~~

~~(B) at its conclusion, certify and provide a certificate of completion from the supervising attorney or judge and such other evidence as the Board may request that the course, as approved, was completed; and~~

~~(C) provide certification from an American Bar Association accredited law school of satisfactory completion of the statutorily prescribed period of study at such law school.~~

~~(b) Attendance and successful completion of classes and studies at an American Bar Association accredited law school during a school year of not less than eight months in a year shall be deemed a year's attendance in a law school; and in computing the period of study in an office, a vacation actually taken, not to exceed three months in each year, shall be allowed as part of each year. is an adult who has been awarded a juris doctor degree from a law school accredited by the American Bar Association.~~

Rule 211. Passing Scores and Notification of Results.

(a) A passing score on the UBE is a scaled score of 270 total points or greater.

(1) The formula for determining the total UBE score is: MBE Scaled Score + MEE/MPT Scaled Score = UBE Total Scaled Score.

(2) Raw MBE scores (the number of questions correctly answered) are converted to scale scores by the NCBE by use of a formula designed to make scores comparable from one exam administration to another. The MBE is weighted as 50% of the UBE total score.

(3) The combined MEE/MPT raw scores are converted to scale scores by the NCBE by use of a formula designed to make scores comparable from one exam to another. The MEE and MPT are weighted together as 50% of the UBE total score, with the MEE worth 30% and the MPT worth 20%.

(b) A passing score on the MPRE is a scaled score of 85 points or greater. ~~The passing score on the MPRE must be obtained not more than three years prior to or not more than one month after the exam administration in which an applicant obtains a passing score on the UBE.~~ An application will not be considered until the applicant has submitted evidence of a passing MPRE score. Such evidence must be submitted within one year of the date of administration of the examination on which the applicant obtained a passing UBE score.

SECTION III APPLICATION FOR ADMISSION ON MOTION OR BY TRANSFER OF UBE SCORE

Rule 302. Eligibility for Admission on Motion.

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:

(a) Has been awarded a juris doctor (JD) ~~or Bachelor of Letters of Law (LLB)~~ by a law school ~~approved~~ accredited by the American Bar Association; and 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; and who

(c) Has been admitted to practice as an attorney in the highest court in any state, territory or district of the United States by passing a written examination as required by such other state, territory or district; and who

(d) Has not been denied on motion to practice law in Wyoming or been allowed to withdraw an application due to questions raised by the Board on character and fitness within the last two years; and who

(e) Has not previously engaged in the unauthorized practice of law; and who

(f) Has engaged in the active, authorized practice of law for a minimum of 300 hours per year for five of the seven years immediately preceding the date of application, in a UBE jurisdiction or a jurisdiction (or jurisdictions) that grants bar admission without examination to attorneys licensed in Wyoming on the basis of practice in Wyoming; and who

(g) Has shown that the applicant has met all such other requirements as may be appropriately prescribed by the Board to demonstrate qualification, character and fitness to practice law; and who

(h) Is currently a member in good standing in all jurisdictions where admitted.

Rule 304. Applications for Admission on Motion, Fees and Filing Deadlines.

(e) Completed applications are to be filed with the Clerk of the Court. Incomplete applications will not be accepted for filing.

Rule 305. Applications for Admission by Transfer of UBE Score.

(a) UBE transfer applicants are those applicants who have taken the UBE in another jurisdiction. It is the applicant's sole responsibility to contact the NCBE to initiate steps for the transfer of the applicant's UBE score.

(b) *Eligibility.* A UBE transfer applicant may be admitted without further examination if the applicant earned a passing score on the UBE ~~and the MPRE~~ at an examination that was conducted less than three years prior to application for admission. A score is considered to have been earned on the date of administration of the UBE that resulted in the score. The application must be accompanied by evidence of a passing MPRE score. The UBE transfer applicant must also meet the eligibility requirements contained in Rule 302(a), (b), (d), (e), (g) and (h).

**SECTION IV
CHARACTER AND FITNESS OF BAR APPLICANTS**

Rule 402. Investigation of Applicants.

(c) To supplement the character report of the NCBE for applicants for admission the Committee may contact persons listed as references on an applicant's character report, persons providing requisite certification of character and fitness, an applicant's previous employer(s) or such other persons as may offer relevant information regarding the applicant's ability and fitness to assume the duties and responsibilities of a member of the Bar. When deemed appropriate by the Committee, the Committee may engage one or more non-lawyer consultants to assist in evaluating an applicant's character and fitness to practice law.

(f) An applicant who affirmatively asserts rehabilitation from prior conduct as set forth in Rule 401(b) must produce evidence of rehabilitation which may include, but is not limited to, the following:

(1) compliance with the specific conditions of any disciplinary, judicial, administrative, or other order, where applicable;

(2) good character and moral standing in the community;

(3) good reputation for professional ability, where applicable;

(4) lack of malice and ill feeling toward those who, by duty, were compelled to bring about the disciplinary, judicial, administrative, or other proceeding;

(5) personal assurances, supported by corroborating evidence, of a desire and intention to conduct one's self in an exemplary fashion in the future;

(6) restitution of funds or property, where applicable;

(7) positive action showing rehabilitation by occupation, community service or civic service; and

(8) any other evidence which reflects rehabilitation of the applicant.

Rule 404. Request for Hearing.

(a) The applicant shall have the right to file with the Board a written request for hearing within 30 days after receipt of the notice described in Rule 403. Failure to file a timely request for hearing shall constitute a waiver of any right to hearing, and the applicant shall be deemed to have abandoned the application.

(b) Following receipt by the Board of a request for a hearing the applicant shall ~~have thirty (30) days in which to review the information before the Committee in reaching its determination. Such review shall be made at the Bar office. No copies may be made and no notes may be taken be provided with a copy of all documents reviewed by the Character and Fitness Committee in arriving at its determination regarding the applicant's character and fitness to practice law.~~

(c) The Board shall notify the applicant and the Committee of the date, time and place of the hearing.

**SECTION V
ADMISSION TO PRACTICE**

Rule 504. Attorney's Oath Form; Entry on Minutes; Time Limit on Admission.

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

"I, _____, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution and laws of the State of Wyoming, and that I will faithfully and honestly and to the best of my ability discharge the duties of an Attorney and Counselor at Law."

The oath may be administered by the clerk or any of the justices of the Court, or by a clerk or any judge of a Wyoming district court. If the applicant resides outside the state, the oath may be administered in another state or territory of the United States by a judge or justice of a court of general jurisdiction or an appellate court ~~by any judicial officer (i.e., judge or court clerk) authorized to administer oaths.~~

(b) The completed original attorney's oath must be filed with the Clerk of the Court no more than ninety days after the date of the Court's order admitting the applicant to the Bar. Except as provided below, failure to timely satisfy the provision of this rule shall require an applicant to recommence the application process including a new application, payment of fees, a character and fitness investigation and retaking of the Bar Examination, if applicable.

(c) An applicant who fails to take and file the oath within ninety days from the date of the Court's order may, for up to 12 months from the date of the Court's order admitting the applicant to the Bar, file an affidavit with the Board explaining the cause of the delay. Upon consideration of the affidavit, the Board may, for good cause shown, recommend to the Court that the applicant be permitted to file the oath late or recommend to the Court that the applicant not be permitted to file the oath late.

~~Rule 505. New Admittees—Mandatory Continuing Legal Education.~~

~~(a) Each new admittee to the Bar shall complete, within 12 months of the date of admission, a six-hour continuing legal education course. The course shall be conducted by the Bar and shall be available at least three times a year, at such times and places as the Bar may designate. No other course or courses may be used to satisfy the requirements of this subsection. The course shall include the following:~~

~~(1) General procedures, with focus on Professional Conduct Rules 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.7, 1.8 and 1.9 (conflicts of interest) and 1.15 (safeguarding property); courtroom professionalism, civility, and other litigation-related matters; and the function of the Bar and Bar Committees including the Wyoming Lawyer Assistance Program. 3.0 hours; and~~

~~(2) A course on Wyoming specific law, which shall be developed under the authority of the Board of Law Examiners. 3.0 hours.~~

~~(b) The continuing legal education hours required of new admittees as described in this Rule shall also qualify as continuing legal education that may be required by the Rules of the Wyoming State Board of Continuing Legal Education.~~

~~(c) If a new admittee does not complete the continuing legal education course required by this rule within 12 months of the date of admission, the Wyoming State Bar shall forward a Recommendation for Suspension for Noncompliance with the new admittee continuing legal education requirement to the Court.~~

~~(d) 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 new admittee's license to practice law in the State of Wyoming should not be suspended, sent by certified mail, return receipt requested, addressed to the new admittee at the official address listed with the Wyoming State Bar. The new admittee may 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 new admittee shall also serve a copy of the response on the Board of Law Examiners, together with a \$300.00 noncompliance fee payable to that Wyoming State Bar.~~

~~(e) In the absence of good cause shown, an order of suspension from the practice of law for a period of one (1) year shall issue from the Court.~~

~~(1) 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:~~

~~(A) 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.~~

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

~~(C) 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.~~

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

~~(2) 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.~~

~~(3) A suspended attorney shall notify the client of all deadlines and scheduled court dates.~~

~~(4) 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.~~

~~(5) A suspended attorney shall return any unearned fees.~~

~~(6) 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.~~

~~(7) — A suspended attorney shall maintain records of the steps taken to comply with this rule.~~

~~(8) — 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.~~

~~(f) Reinstatement. The suspended attorney 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 shall be filed, along with six copies, with the Supreme Court. A copy of the petition shall also be provided to the Board of Law Examiners. The petition shall be supported by an affidavit which shows: (1) that 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) that the attorney is current on all mandatory continuing legal education requirements; (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. The petition shall be accompanied by all appropriate fees for applicants for admission on motion. A response by the Board of Law Examiners 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 non-compliance with the requirements of this rule 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 these rules.~~
