

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

*April Term, A.D. 2011*

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*In the Matter of the Amendments to the* )  
*Wyoming Rules of Professional Conduct for* )  
*Attorneys at Law* )

**ORDER AMENDING THE RULES OF PROFESSIONAL CONDUCT  
FOR ATTORNEYS AT LAW**

**This matter** came before the Court upon recommendations from Professor John M. Burman of the University of Wyoming College of Law. Professor Burman has recommended that this Court amend Rules 1.2, 1.6, and 7.5 of the Wyoming Rules of Professional Conduct for Attorneys at Law. Professor Burman has also recommended amendments to the comments to Rules 1.6 and 4.2. Professor Burman's recommendations have been approved by the Board of Officers and Commissioners of the Wyoming State Bar. This Court finds that it should adopt all of the recommended amendments. This Court also expresses its deepest gratitude to Professor Burman for his continued careful study and revision of the Wyoming Rules of Professional Conduct for Attorneys at Law. It is, therefore,

**ORDERED** that the amendments Rules 1.2, 1.6, and 7.5 of the Rules of Professional Conduct for Attorneys at Law and the amendments to the comments to Rules 1.6 and 4.2 of the same rules, attached hereto, be, and hereby are, adopted by the Court to be effective October 1, 2011; and it is further

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

**DATED** this 28<sup>th</sup> day of June, 2011.

**BY THE COURT:**

/s/

**MARILYN S. KITE**  
Chief Justice

## RULES OF PROFESSIONAL CONDUCT FOR ATTORNEYS AT LAW

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### **Rule 1.2. Scope of representation and allocation of authority between client and lawyer.**

(a) Subject to paragraphs (c), ~~and (d)~~, and (e), a lawyer shall abide by a client's decisions concerning the objectives of representation, and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

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### **Rule 1.6. Confidentiality of information.**

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(b) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:

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(5) to protect the best interests of an individual when the lawyer has been appointed to act as a guardian ad litem ~~or as an attorney for the best interests of that individual.~~

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### **Comment. -- \*\*\*\*\***

[13] Fourth, a lawyer appointed to act as a guardian ad litem represents the best interests of that individual, not the individual. As stated in paragraph (b)(~~3~~ 5), the lawyer has professional discretion to reveal information in order to protect the individual's best interests. Any such disclosure should be no greater than that which the lawyer reasonably believes necessary to protect the individual's best interests.

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[20] Paragraph (b) permits but does not require the disclosure of information relating to a client's representation to accomplish the purposes specified in paragraphs (b)(1) through (b)(~~4~~ 5). In exercising the discretion conferred by this Rule, the lawyer may consider such factors as the nature of the lawyer's relationship with the client and with those who might be injured by the client, the lawyer's own involvement in the transaction and factors that may extenuate the conduct in question. A lawyer's decision not to disclose as permitted by paragraph (b) does not violate this Rule. Disclosure may be required, however, by other rules. Some rules require disclosure only if such disclosure would be permitted by paragraph (b). See Rules 1.2(d), 4.1(b), 8.1 and 8.3. Rule 3.3, conversely, requires disclosure in some circumstances regardless of whether such disclosure is permitted by this Rule. See Rule 3.3(c).

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**Rule 4.2. Communication with person represented by counsel.**

In representing a client, a lawyer shall not communicate about the subject of the representation with a person or entity the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

**Comment.** -- \*\*\*\*\*

[7] In the case of a represented organization, this Rule prohibits communications with a constituent of the organization who supervises, directs or regularly consults with the organization's lawyer concerning the matter or has authority to obligate the organization with respect to the matter or whose act or omission in connection with that the matter may be imputed to the organization for purposes of civil or criminal liability. Consent of the organization's lawyer is not required for communication with a former constituent. If a constituent of the organization is represented in the matter by his or her own counsel, the consent by that counsel to a communication will be sufficient for purposes of this Rule. Compare Rule 3.4(f). In communicating with a current or former constituent of an organization, a lawyer must not use methods of obtaining evidence that violate the legal rights of the organization. See Rule 4.4, Comment [2].

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**Rule 7.5. Firm names and letterheads.**

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(d) Lawyers shall clearly and accurately state the organizational structure of the organization in which they practice. Lawyers may not state or imply that they practice in a partnership, firm or other organization if that is not the fact. If lawyers use a name or designation that implies they are practicing in a partnership, firm or other organization, when, in fact, they are not, adding a disclaimer such as 'not a partnership' or 'an association of sole practitioners' shall not render the name or designation permissible under Rules 7.1 and 7.4.

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