

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2017

In the Matter of the Amendments to the)
Rules of Operation of the)
Wyoming State Bar)
Lawyer Referral Service)

**ORDER AMENDING THE RULES OF OPERATION OF THE WYOMING
STATE BAR LAWYER REFERRAL SERVICE**

The **Officers and Commissioners of the Wyoming State Bar** have recommended that this Court amend the Rules of Operation of the Wyoming State Bar Lawyer Referral Service. The Court, having carefully reviewed the proposed amendments, finds that those amendments should be adopted. It is, therefore,

ORDERED that the attached amendments to the Rules of Operation of the Wyoming State Bar Lawyer Referral Service are hereby adopted by the Court to be effective October 1, 2017; and it is further

ORDERED that, effective October 1, 2017, the “Rules of Operation of the Wyoming State Bar Lawyer Referral Service” shall be known as the “Rules of the Wyoming State Bar Lawyer Referral Service”; 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 this order and the attached amendments be published online at this Court’s website, <http://www.courts.state.wy.us>. The amended rule shall thereafter be recorded in the journal of this Court.

DATED this 18th day of July, 2017.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice

**RULES OF ~~OPERATION OF THE~~
WYOMING STATE BAR LAWYER REFERRAL SERVICE**

Rule 1. Purpose.

The purpose of the Wyoming State Bar Lawyer Referral Service is to assist the public by providing referrals for legal services.

Rule 2. Definitions.

- (a) "State Bar" means the Wyoming State Bar.
- (b) "Committee" means the Wyoming State Bar Lawyer Referral Service Committee.
- (c) "Client" means a person seeking a referral for legal services.
- (d) "Service" means the Wyoming State Bar Lawyer Referral Service.
- (e) "Member" means an attorney registered with the Wyoming State Bar Lawyer Referral Service, unless otherwise designated.
- (f) "President" means the President of the Wyoming State Bar.
- (g) "Coordinator" means the Lawyer Referral Service Coordinator, an employee of the Wyoming State Bar.

Rule 3. Committee.

- (a) There is hereby established a Lawyer Referral Service Committee ~~to be appointed by the President of the State Bar. The Committee will consist of no fewer than seven members, who are active members of the State Bar. Members will be appointed for three year terms whose members shall be the Executive Committee of the Wyoming State Bar.~~
- (b) ~~Each year, the President will designate one of the members to~~ The President shall serve as chairperson Chair of the Committee. The Coordinator will serve as the Executive Secretary to the Committee.
- (c) The Committee has general supervisory authority over the administration of these rules.
- (d) The Committee will meet ~~at least once annually and~~ at such ~~other~~ times as designated by the ~~chairperson~~ Chair or the Coordinator.
- (e) A majority of the Committee shall constitute a quorum to carry out business.

Rule 4. Method of Referrals.

Referrals will generally be made on a rotating basis, within fields of law and geographical areas. Matters requiring fluency in a foreign language will, to the extent possible, be referred to an attorney having fluency in that language.

Rule 5. ~~Eligibility~~ Membership in the Service.

To be eligible to register with admitted to membership in the Service, ~~attorneys~~ an attorney must:

(a) be an active member in good standing of the State Bar, including a member whose disciplinary suspension has been stayed pending a probationary term;

(b) have and maintain ~~the minimum amount of~~ professional liability insurance ~~as set by the Committee~~ with coverage of at least \$100,000/\$300,000 and provide proof thereof to the Service;

(c) ~~waive liability and agree to indemnify and hold harmless the State Bar, its members, the Committee and its agents, from any claims, demands, actions, liability or loss which may arise from, or be incurred as a result of, the operation of the Service or referrals of clients to him or her through the Service, or the use of information contained in the registration form~~ agree to indemnify and hold harmless, the State Bar, its officers, members, agents, or employees from any and all claims, expenses, attorney fees and costs, liability or loss arising from or incurred through any negligence or intentional conduct of the attorney which causes damage, real or alleged, to anyone referred to an attorney by the Service. In addition, the attorney agrees to waive any and all claims against the State Bar, its officers, members, agents, or employees for any and all claims, expenses, attorney fees and costs, liability or loss arising from the operation and policies of the Service including, but not limited to, referral or non-referral of a person or client, denial or termination of membership in the Service, and provision of information about the attorney to any person or client;

(d) ~~agree that the information contained in the registration form may be furnished to clients in the operation of the Service~~ abide by all rules of the Service; and

(e) certify that ~~he or she~~ the member is competent by virtue of experience and/or education in the fields of law designated by the registrant on the registration form.

Rule 6. Registration Application and Renewal.

(a) Any eligible member of the State Bar engaged in the active practice of law may ~~register with~~ apply for membership in the Service by:

- (1) submitting an ~~application~~ Application for Membership, on a form prescribed by the Committee, to the State Bar;
- (2) providing and maintaining proof of professional liability coverage; and
- (3) paying the annual registration fee set by the Committee.

(b) Membership in the Service is renewable ~~each calendar year~~ annually. ~~As soon as practicable after November 1, r~~ Renewal applications will be mailed or emailed by the Coordinator to all Members of the Service within a reasonable time before the Member's anniversary date. Any eligible member of the State Bar who is registered with the Service Member may renew membership in the Service by remitting the following to the ~~State Bar no later than December 31~~ Coordinator prior to the Member's anniversary date:

- (1) Application for Renewal of Membership, on a form prescribed by the Committee;
- (2) proof of professional liability coverage; and
- (3) ~~yearly~~ annual renewal fee set by the Committee.

Failure to follow the above renewal procedures will result in ~~suspension of membership in the Service per Rule 10 of these rules~~ the termination of the Member's membership in the Service.

Rule 7. Attorneys' Fees and Fee Disputes Written Engagement Agreement Required.

If a referral results in an attorney/client relationship, the Member will ensure that: a written engagement agreement is signed by the client which includes a clear description of the scope of the representation, the basis or rate of the fee and expenses for which the client will be responsible, and a statement of the availability of fee arbitration pursuant to the Wyoming Rules of Fee Arbitration.

~~(a) all attorney/client relationships entered into as a result of a referral by the Service include a written fee agreement between the parties;~~

~~(b) all compensation for services is reasonable and subject to the current *Rules Governing Contingent Fees for Members of the Wyoming State Bar*; and~~

~~(c) disputes regarding fees will be governed by the *Rules for Resolution of Fee Disputes* and provision for such dispute resolution is included in the fee agreement.~~

Rule 8. Fields of Law.

The ~~Committee~~ Coordinator will establish a listing of fields of law and its related sub-areas. The ~~Committee~~ Coordinator may add or delete fields of law at ~~its~~ the Coordinator's discretion. On the application and renewal forms, Members will select fields of law for which they wish to receive referrals.

Rule 9. Disclaimer Immunity.

The ~~Coordinator~~ will provide a disclaimer similar to the one below to each client seeking a referral.

~~“The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer’s credentials and ability, and not rely upon advertisements or self-proclaimed expertise.”~~

The State Bar, its Officers and Commissioners, employees, and agents shall be immune from suit for all conduct in the course of their official duties in furtherance of these Rules.

Rule 10. Suspension Termination of Membership.

(a) The Committee may ~~suspend~~ terminate membership in the Service for good cause. Good cause for ~~suspension~~ termination of a member includes but is not limited to:

~~(1) violating any or failing to meet the requirements of these rules, the terms of the application for membership or the application for renewal of membership forms;~~

~~(2) failure to handle referred cases with reasonable professional competence and diligence; or~~

~~(3) falsification~~ misrepresentation of any material statement in the application for membership or the application for renewal of membership forms, or in any other required form;

~~(4) failure to demonstrate proof of professional liability insurance;~~

~~(5) failure to pay the Wyoming Lawyer Referral Service annual renewal fee;~~

~~(6) failure to submit required reports;~~

~~(7) failure to comply with all rules of the Service and/or maintain continuous eligibility due to:~~

~~(A) disbarment, suspension, interim suspension or termination imposed by the Wyoming Supreme Court or other appropriate disciplinary or licensing authority of any state or jurisdiction for any reason; or~~

~~(B) voluntary withdrawal, retirement or change to inactive status;—~~

~~(8) failure to accurately report in writing to the Committee within 10 business days of the occurrence of any of the circumstances listed in (7) above.~~

(b) A notice of ~~suspension~~ pending termination will be served, certified mail, return receipt requested, to the Member at ~~his or her~~ the Member's address of record with the State Bar. The notice will inform the Member of the grounds for ~~suspension~~ termination and that ~~he or she~~ the Member has 10 business days from receipt of the notice within which to cure the violation. If the violation is not cured within 10 business days of receipt of the notice, membership will be ~~suspended~~ terminated.

(c) A ~~suspended~~ terminated Member may reapply for membership upon providing proof that the violation from which ~~suspension~~ termination resulted has been cured and ~~following all other procedures~~ fulfilling all other requirements listed in Rule 6 of these rules.

Rule 11. Withdrawal.

Any Member may withdraw from the Service at any time by providing the Committee Coordinator with written notice. The withdrawing Member shall not thereby be relieved of the duty to represent any person previously referred by the Service with whom the Member established an attorney-client relationship. In the event of a Member's withdrawal from the Service, there will be no refund of the annual fee.

Rule 12. Records and Reports.

(a) A record of all Members of the Service will be maintained by the Coordinator. The Coordinator will keep all records required by the Committee.

(b) The Coordinator will make reports to the Committee at the request of the Chair of the Committee. ~~The Committee will file an annual report with the Board of Commissioners of the Wyoming State Bar.~~

~~(c) Each Member will keep a record of the number of Clients referred to him or her through the Service in which an attorney/client relationship has been established and the fields of law involved. Each Member will report these as the Committee directs.~~

Rule 13. Citation of These Rules.

These Rules shall be cited as the Rules of the Wyoming State Bar Lawyer Referral Service.
