

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2018

In the Matter of the)
Amendments to the)
Bylaws of the Wyoming State Bar)

ORDER AMENDING THE BYLAWS OF THE WYOMING STATE BAR

The Officers and Commissioners of the Wyoming State Bar have recommended that the Wyoming Supreme Court amend the Bylaws of the Wyoming State Bar. The Court, having carefully reviewed the proposed amendments, finds that the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to the Bylaws of the Wyoming State Bar, attached hereto, be, and hereby are, adopted by the Court to be effective May 1, 2019; 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 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 29th day of January, 2019.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice

BYLAWS OF THE WYOMING STATE BAR

ARTICLE I. MEMBERSHIP

Section 2. Member contact information.

Each member shall furnish the following information to the Wyoming State Bar, and shall promptly advise the Wyoming State Bar in writing or by email of any changes, along with supporting documentation as appropriate:

- (a) Full name;
- (b) Residential address;
- (c) Physical and mailing address of office;
- (d) E-mail address;
- (e) Telephone number; and
- (f) ~~Date of admission to practice in any state other than Wyoming.~~ Other jurisdictions in which the member is licensed to practice law.

Communications from the Wyoming State Bar to a member shall be sent to the most recent mailing or e-mail address furnished by the member. Communications sent by either method shall be deemed received subject to challenge only upon clear and convincing evidence to the contrary.

Section 3. Status of membership.

The members of the Wyoming State Bar shall hold one of the following eight (8) statuses:

(a) Active:

- (1) Is authorized to practice law in the State of Wyoming.
- (2) Pays the annual license fee pursuant to Article I, Section ~~4~~ 5 of the Bylaws of the Wyoming State Bar.
- (3) Completes Continuing Legal Education (“CLE”) as required by the Rules of the Wyoming State Board of Continuing Legal Education (the “CLE rules”).
- (4) Any member who seeks to change from inactive status, honorary status, honorary retired status, retired status or emeritus status to active status must file a written request and certification with the executive director demonstrating, to the satisfaction of the executive director, one of the following:

(i) The member has engaged in the active, authorized practice of law as defined in Rule 303 of the Rules and Procedures Governing Admission to the Practice of Law in one or more states, territories or districts for five of the seven years immediately preceding the request to return to active status; or

(ii) If the member has held inactive status, honorary retired status, retired status or emeritus status:

(a) for less than three years, the member must complete one (1) year’s required CLE and pay the license fees required of active status members for the fiscal year in which the request is made. Such CLE must have been completed during the two-year period preceding the written request to change to active status.

(b) for more than three years but less than five years, the member must complete two (2) years’ required CLE and pay the license fees required of active status members

for the fiscal year in which the request is made. Such CLE must have been completed during the two-year period preceding the written request to change to active status.

(c) for more than five years but less than seven years, the member must complete three (3) years' required CLE and pay the license fees required of active status members for the fiscal year in which the request is made. Such CLE must have been completed during the two-year period preceding the written request to change to active status.

(d) for more than seven years, the member may return to active status only by complying with the admissions requirements set forth in the Rules and Procedures Governing Admission to the Practice of Law.

(5) The foregoing requirements notwithstanding, for good cause shown by clear and convincing evidence, the Board of Officers and Commissioners may waive, modify or impose conditions upon written requests for a return to active status.

(6) Any member who changes from another status to active status must remain ~~in~~ on active status for one full year before requesting a ~~different~~ status.

(b) New active:

(1) Has been licensed to practice law in any jurisdiction for five (5) years or less.

(2) Is authorized to practice law in the State of Wyoming.

(3) Pays a reduced license fee pursuant to Article I, Section 5 of the Bylaws of the Wyoming State Bar.

(4) Completes ~~Continuing Legal Education ("CLE")~~ CLE as required by the ~~Rules for Continuing Legal Education of Members of the Wyoming State Bar~~ CLE rules.

(c) Inactive:

(1) Is not authorized to practice law in the State of Wyoming.

(2) Pays a reduced license fee pursuant to Article I, Section ~~4~~ 5 of the Bylaws of the Wyoming State Bar.

(3) Is not required to complete any CLE.

~~(4) Is eligible to serve on boards and committees.~~

~~(5) Submits to the executive director a written request to be placed on inactive status.~~

(d) Honorary:

(1) Is a current Wyoming Supreme Court justice, district court judge, circuit court judge, judge or full-time magistrate of the United States District Court for the District of Wyoming, or any other full-time federal judge residing in Wyoming.

(2) Is not required to pay a license fee.

(3) Is not required to complete any CLE.

~~(4) Is eligible to serve on boards and committees.~~

(e) Honorary Retired:

(1) Is a former Wyoming Supreme Court justice, district court judge, circuit court judge, judge or full-time magistrate of the United States District Court for the District of Wyoming, or any other federal judge residing in Wyoming.

(2) Is not authorized to practice law in the State of Wyoming.

(3) Is not required to pay a license fee.

(4) Is not required to complete any CLE.

~~(5) Is eligible to serve on boards and committees.~~

(f) Retired:

(1) A member in good standing who has reached the age of 65 years or has 25 years of membership in the Wyoming State Bar.

- (2) Is not authorized to practice law in the State of Wyoming.
- (3) Is not required to pay a license fee.
- (4) Is not required to complete any CLE.
- (5) ~~Is eligible to serve on boards and committees.~~
- (6) Submits to the executive director a written request to be placed on retired status.

(g) Suspended:

Has been suspended by the Wyoming Supreme Court for violation of the Wyoming Rules of Professional Conduct, for non-payment of license fees, for non-compliance with the ~~Rules of the Wyoming State Board of Continuing Legal Education~~ CLE rules, or placed on immediate suspension by the Wyoming Supreme Court.

(h) Emeritus:

(1) A member in good standing who has reached the age of 65 years or has 25 years of membership in the Wyoming State Bar.

(2) Is authorized to perform pro bono legal services as defined in ~~Rule 5 of the Rules of the Wyoming State Board of Continuing Legal Education~~ the CLE rules or mentor another lawyer, but not otherwise authorized to practice law in the State of Wyoming.

(3) Is not required to pay a license fee.

(4) Is required to complete reduced CLE as provided in the ~~Rules of the Wyoming State Board of Continuing Legal Education~~ CLE rules.

(5) Submits to the executive director a written request to be placed on emeritus status.

In order for a request for status change to be considered, the member must not be in arrears on license fees, ~~continuing legal education~~ CLE requirements, or any obligation to the Client Protection Fund. With the exception of suspended members, all members are eligible to serve on boards or committees.

Section 4. Withdrawal from membership.

Any person having been admitted to the Wyoming State Bar who desires to withdraw therefrom shall submit a request to the Wyoming State Bar. The request shall be reviewed by the executive director, who shall then make a recommendation for action on the request to the Wyoming Supreme Court. The Wyoming Supreme Court may then enter such order as it deems appropriate. According to the terms of the order allowing withdrawal by the Wyoming Supreme Court, the person shall cease to be a member of the Wyoming State Bar and shall no longer be authorized to practice law in Wyoming. A member who has been suspended for failure to pay license fees or ~~complete the required continuing legal education~~ for failure to comply with CLE rules may not withdraw without petitioning for reinstatement, pursuant to these bylaws and the ~~Rules of the Wyoming State Board of Continuing Legal Education~~ CLE rules, as applicable. A member who has a pending disciplinary matter may not withdraw until such matter is resolved. A member who is suspended or disbarred may not withdraw until the member is reinstated.

Section 5. Annual license fee.

(b) During the first week of October of each year, the executive director shall send notification via email that the annual license fee is due. The annual license fee is due November 30 and delinquent December 1. If any member is in default for the payment of the annual license fee on

December 1, the executive director shall send a notice of delinquency and notice of late fee to any such member. If any member remains in default on December 15, the executive director shall certify to the Wyoming Supreme Court the name of such member. The Wyoming Supreme Court shall, within 30 days of the notice by the Wyoming State Bar, issue against such member an order returnable 30 days from the date thereof, to show cause why membership in the Wyoming State Bar should not be suspended. The order shall be mailed by certified mail, with return receipt requested, to the attorney's address on file with the Wyoming State Bar. Upon receipt of the order to show cause, the member shall either pay the delinquent fees to the Wyoming State Bar or shall file a response to the order to show cause, along with six copies, with the Wyoming Supreme Court. A copy of the response shall also be provided to the executive director. If the member fails to pay the delinquent fees and the Wyoming Supreme Court finds that good cause is not shown in response to such order, an order of suspension from the practice of law for a period of one (1) year shall issue from the Wyoming Supreme Court. If the Wyoming Supreme Court finds that the member in default is unable for good cause to pay the annual license fee, the payment of such annual license fee for that year may be remitted or suspended in whole or in part by order duly entered by the Wyoming Supreme Court.

(c) When a person is first admitted to practice law in Wyoming, the annual license fee, which shall be prorated on a monthly basis beginning with the month of admission (based upon the Wyoming State Bar's fiscal year), shall be due 60 days after the date of admission. If any newly-admitted member fails to pay the annual license fee by 60 days after the date of admission, the executive director shall send a notice of delinquency and notice of late fee to such member. If such member remains in default 75 days after the date of admission, the executive director shall certify to the Wyoming Supreme Court the name of such member. The Wyoming Supreme Court shall, within 30 days of the notice by the Wyoming State Bar, issue against such member an order returnable 30 days from the date thereof, to show cause why membership in the Wyoming State Bar should not be suspended. The order shall be mailed by certified mail, with return receipt requested, to the attorney's address on file with the Wyoming State Bar. Upon receipt of the order to show cause, the member shall either pay the delinquent fees to the Wyoming State Bar or shall file a response to the order to show cause, along with six copies, with the Wyoming Supreme Court. A copy of the response shall also be provided to the executive director. If the member fails to pay the delinquent fees and the Wyoming Supreme Court finds that good cause is not shown in response to such order, an order of suspension from the practice of law for a period of one (1) year shall issue from the Wyoming Supreme Court. If the Wyoming Supreme Court finds that the member in default is unable for good cause to pay the annual license fee, the payment of such annual license fee for that year may be remitted or suspended in whole or in part by order duly entered by the Wyoming Supreme Court.

(m) The suspended member 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, along with six copies, shall be filed with the Wyoming Supreme Court. A copy of the petition shall also be served on the executive director. The petition shall include copies of the records required by subsection (j) and 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~~ CLE; (2) that the attorney is current on all mandatory ~~continuing legal education~~ CLE requirements; (3) that there have been no claims or awards made in regard to an attorney on the Client Protection 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 executive director may be filed within 20 days of the date of service of the petition for reinstatement. The member shall not be eligible to practice unless and until the Wyoming Supreme Court issues an order of reinstatement.

(n) If an attorney who is suspended from the practice of law for non-payment of the annual license fee 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 Wyoming Supreme Court. Such attorney who thereafter seeks admission to the Wyoming State Bar shall comply with the admissions requirements set forth in the Wyoming Rules and Procedures Governing Admission to the Practice of Law.

ARTICLE II. OFFICERS

Section 2. Duties.

(d) *Treasurer.* - The treasurer shall be a member-at-large of the Board of Officers and Commissioners and a member of the Executive Committee. The treasurer shall assist the Executive Committee in preparing the annual budget and in presenting it to the Board of Officers and Commissioners which shall be prepared by July 30, and circulated as soon thereafter as practicable among the Board of Officers and Commissioners. The treasurer shall advise the executive director and the administrative staff of the Wyoming State Bar about procedures for:

(i) (1) The methods and procedures used in the receipt, collection and safekeeping of all funds of the Wyoming State Bar; and

(ii) (2) The procedures for disbursement and audit of such funds.

ARTICLE III. BOARD OF OFFICERS AND COMMISSIONERS

Section 1. Composition.

The affairs of the Wyoming State Bar shall be ~~managed and directed~~ overseen by the Board of Officers and Commissioners consisting of the four (4) officers and the immediate past president, all of whom shall be members-at-large of the Board of Officers and Commissioners, and nine (9) commissioners, one (1) from each judicial district. The rights and powers of the members-at-large of the Board of Officers and Commissioners shall be the same as those of the commissioners. The chair of the Young Lawyers Section shall serve as an ex officio, non-voting member of the Board. Only active members in good standing of the Wyoming State Bar residing and practicing law in Wyoming shall be eligible to serve as commissioners of the Wyoming State Bar.

Section 4. Duties.

(a) The Board of Officers and Commissioners shall have general ~~charge~~ oversight of the affairs and activities of the Wyoming State Bar. It shall:

(~~i~~) (1) Make appropriations, authorize disbursements, and/or periodically monitor and ratify proper disbursements reviewed, approved and authorized by the executive director from the funds of the Wyoming State Bar in payment of the necessary expenses of the Wyoming State Bar, its officers, commissioners and committees;

(~~ii~~) (2) Cause proper books of accounts to be kept and to procure an annual audit thereof ~~(a copy of the annual audit shall be filed with the Wyoming Supreme Court);~~

(~~iii~~) (3) Engage and define the duties of salaried employees and fix their compensation;

(~~iv~~) (4) Arrange for publication of the *Wyoming Lawyer*, the official magazine of the Wyoming State Bar;

(~~v~~) (5) Receive, consider and take action on reports and recommendations submitted by committees and the assembly of members of the Wyoming State Bar at any annual or special meeting;

(~~vi~~) (6) Fill vacancies however arising in the membership of the Board of Officers and Commissioners, or ~~in the~~ of an American Bar Association delegate, or in any office which may be vacant, and in each case the person appointed to fill such a vacancy shall hold said office until the expiration of the term of the vacancy;

(~~vii~~) (7) Adopt policies and procedures consistent with these bylaws and otherwise oversee the orderly administration of the Wyoming State Bar's affairs and activities.

(b) Each commissioner shall:

(~~i~~) (1) attend the regular meetings of the Board of Officers and Commissioners; and

(~~ii~~) (2) regularly inform constituents regarding Wyoming State Bar matters; ~~and.~~

(~~iii~~) (c) Each commissioner may hold an annual meeting in the commissioner's judicial district within sixty (60) days prior to the date of the annual meeting.

Section 5. Meetings.

(b) Special meetings of the Board of Officers and Commissioners may be called at any time by the president, and will be called by the president upon written request submitted by five (5) members of the Board of Officers and Commissioners. Reasonable notice of the time and place of regular and special meetings of the Board of Officers and Commissioners shall be given to each member by the executive director by mail, ~~facsimile~~, email or telephone. At any regular or special meeting of the Board of Officers and Commissioners any business may be transacted which is within the power of the Board of Officers and Commissioners, whether or not specified in the call or notice of the meeting. Action of the Board of Officers and Commissioners may be taken without a meeting by email or other written communication.

ARTICLE IV. EXECUTIVE COMMITTEE

Section 2. Powers and duties.

The Executive Committee may exercise all the powers and perform all the duties of the Board of Officers and Commissioners between the meetings of the Board of Officers and Commissioners, subject to ratification by the Board of Officers and Commissioners at its next meeting. The Executive Committee shall prepare an annual budget for submission to the Board of Officers and Commissioners, and shall perform such other duties as the Board of Officers and Commissioners may prescribe.

Section 3. Meetings.

The Executive Committee shall meet at the call of the president, or upon demand of at least two (2) of its members. All members shall be given notice by mail, ~~facsimile~~, email or telephone, of any meeting unless such notice is waived by all the members of the Executive Committee. Three (3) members present at a meeting shall constitute a quorum. Action of the Executive Committee may be taken without a meeting by mail, email or telephone vote. Any meeting called by the president or Executive Committee shall include notice to all other members of the Executive Committee.

ARTICLE V. AMERICAN BAR ASSOCIATION DELEGATES

(b) Young Lawyer Delegate. Any active member who (1) was admitted to his or her first bar within the past five years or is less than 36 years old at the beginning of his or her term, (2) is a resident of Wyoming, (3) maintains an office for the practice of law in this state, (4) is a member of the American Bar Association and (5) is a member of the Young Lawyer Section may serve as the Young Lawyer delegate to the House of Delegates of the American Bar Association. The term of office of such delegate shall be two (2) years, and shall begin and end at the adjournment of the ABA annual meeting in August. Nominations shall be taken and elections shall be conducted as provided in Article VII.

ARTICLE VII. ELECTIONS

(a) Vacancies for the positions of president-elect, vice president, treasurer, commissioner, ABA delegate, and membership on the Judicial Nominating Commission, which vacancies arise by virtue of the expiration of the applicable term of office or membership, shall be filled as follows:

(i) (1) Nominations must be signed by at least two active, resident members and submitted to the executive director on or before July 1 for vacancies occurring in the coming twelve-month period. Nominations for commissioners must be signed by at least two active members who reside or maintain a practice within the applicable judicial district.

(ii) (2) In the event that no member is nominated for a given vacancy, the Board of Officers and Commissioners shall nominate one or more qualified candidates.

(iii) (3) The executive director shall provide an electronic ballot to all eligible voters on or before August 1 of each year. Only active, resident members who have provided email addresses

to the Wyoming State Bar shall be eligible to vote. Voters for vacant commissioner seats must be active, resident members of the applicable district, and no member may vote for a commissioner in more than one district.

(iv) (4) Each candidate may submit a written statement containing 200 words or less in support of his or her candidacy, which the executive director shall publish with the electronic ballot.

(v) (5) All voting will be electronic. All voting must be completed by August 31 of the applicable year.

(vi) (6) The candidate receiving the most votes for a given vacancy shall fill the vacancy for the following term. In the event of a tie for the most votes, a run-off election will be held among the candidates who tied for the most votes.

(vii) (7) Advance notice of upcoming vacancies and the procedure for nominating candidates and voting will be published in the *Wyoming Lawyer*.

ARTICLE VIII. EXECUTIVE DIRECTOR

There shall be an executive director of the Wyoming State Bar who shall be the chief executive officer of the administrative staff and in direct charge of the Wyoming State Bar office, its records, property and equipment. The executive director shall be hired by the Board of Officers and Commissioners under terms of employment and compensation fixed by the Board of Officers and Commissioners. Subject to the general ~~control~~ oversight of the Executive Committee and Board of Officers and Commissioners, and as appropriate and consistent with the requirements of these bylaws, the executive director shall:

- (a) Maintain proper minutes and records;
- (b) Oversee the general operation of the Wyoming State Bar office;
- (c) Attend and keep minutes of meetings of the Executive Committee and disseminate the minutes of such meetings to the Board of Officers and Commissioners; attend and keep minutes of meetings of the Board of Officers and Commissioners and ~~disseminate~~ make the minutes of such meetings available to the members;
- (d) Collect, deposit and disburse the Wyoming State Bar's funds pursuant to the budget, and invest surplus funds at the direction of the Executive Committee;
- (e) Maintain membership lists, and files;
- (f) Advise and assist the officers, commissioners and committees;
- (g) Make the arrangements for Wyoming State Bar meetings;
- (h) Review, approve and authorize proper disbursements; and
- (i) Perform such other duties as may be directed by the Board of Officers and Commissioners or Executive Committee, or as prescribed by the Wyoming State Bar's rules or by these bylaws, or by order of the Wyoming Supreme Court.

ARTICLE IX. MEETINGS

Section 2. Special meetings.

Special meetings of the members of the Wyoming State Bar may be held at such times and places as designated by the Board of Officers and Commissioners. A special meeting may also be called upon by a petition signed by not less than twenty percent (20%) of the active, resident members of the Wyoming State Bar. The executive director shall provide at least thirty (30) days' notice to the members of the time and place of any special meeting.

ARTICLE X. BOARDS AND COMMITTEES

Section 3. Standing Boards and Standing Committees.

(a) There shall be the following standing boards and standing committees of the Wyoming State Bar:

- ~~(i)~~ (1) Board of Continuing Legal Education.
- ~~(ii)~~ (2) Board of Professional Responsibility.
- ~~(iii)~~ (3) Board of Law Examiners.
- ~~(iv)~~ (4) Character and Fitness Committee.
- ~~(v)~~ (5) Unauthorized Practice of Law Committee.
- ~~(vi)~~ (6) Office of Bar Counsel Review and Oversight Committee.
- ~~(vii)~~ (7) Client Protection Fund Committee.
- ~~(viii)~~ (8) Fee Arbitration Committee.

ARTICLE XIII. NOTICES TO MEMBERS

Section 2. Audited Financial Statements.

A copy of the Wyoming State Bar's audited financial statements shall be filed with the Wyoming Supreme Court and shall be provided upon a member's request.
