

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

***April Term, A.D. 2019***

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***In the Matter of Amendments to            )***  
***The Rules of the                                )***  
***Board of Continuing Legal Education    )***

**ORDER AMENDING THE RULES OF THE BOARD OF  
CONTINUING LEGAL EDUCATION**

**The Board of Continuing Legal Education** has recommended that this Court amend the Rules of the Wyoming State Board of Continuing Legal Education. This Court finds that the Board's recommendations should be adopted. It is, therefore,

**ORDERED** that the Amendments to the Wyoming State Board of Continuing Legal Education, attached hereto, be and hereby are adopted by the Court to be effective January 1, 2020; 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 that 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 9<sup>th</sup> day of July, 2019.

**BY THE COURT:**

/s/

**MICHAEL K. DAVIS**  
**Chief Justice**

## Rules of the Wyoming State Board of Continuing Legal Education

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### Rule 2. State Board of Continuing Legal Education.

(a) ~~The Wyoming State Board of Continuing Legal Education, having been previously established, is hereby continued under these rules. The members of the Board are to be appointed by the Court. The Board shall consist of nine members, six of whom shall be members of the Wyoming State Bar and three of whom shall be residents of the state not admitted to the practice of law. Members shall be appointed for three-year terms.~~ Appointment. The Wyoming Supreme Court shall appoint, upon the advice of the president of the Wyoming State Bar, a Board of Continuing Legal Education, consisting of nine members, six of whom shall be members of the Wyoming State Bar with at least five years experience in the active practice of law and three of whom shall be non-attorneys.

(b) ~~Each yearly class of members shall include two members of the bar and one layperson. No person may serve more than two consecutive terms as a member of the Board.~~ Terms. Each member of the Board shall serve a three-year term. Terms shall be on a calendar-year basis and shall be staggered so that three members are appointed each year. Attorneys must succeed attorneys and non-attorneys must succeed non-attorneys on the Board. If a member does not complete a term, the Court shall appoint another person to complete that term. No member shall serve for more than two consecutive terms.

(c) Governance. Each year the Board shall designate one of the lawyer members to serve as chairperson Chair, a second as Vice Chair to act in the absence or unavailability of the Chair, and a third as second Vice Chair to act in the absence or unavailability of the Chair and Vice Chair. The executive director of the Wyoming State Bar, or designee, shall serve as the executive secretary of the Board.

(d) ~~Each year the Board shall elect a vice chairperson from its membership who shall, in the event of the resignation, absence, incapacity or demise of the chairperson, act as chairperson until such time as the absence or incapacity has been removed or the Board designates a new chairperson.~~ Five members of the Board shall constitute a quorum.

(e) ~~The Board has general supervisory authority over the administration of these rules.~~ The Board shall act only upon concurrence of a majority of a quorum.

(f) ~~Five or more members of the Board shall constitute a quorum.~~ The Board has general supervisory authority over the administration of these rules.

(g) All communications to or with the Board or any member thereof relating to matters governed by these rules, and all communications with either the Board or any member thereof relating to waiver of any part of these rules, whether by an attorney or by any person or agent acting for or on the behalf of an attorney, shall be transmitted through the office of the Wyoming State Bar unless otherwise directed in writing by the chair of the Board.

(h) All proceedings of the Board relating to applications for waivers or extensions under Rule 7 shall be confidential.

(i) ~~Vouchers for expenses incurred by members of the Board shall be submitted to the executive director of the Wyoming State Bar. Mileage will be paid at the rate set by the Wyoming State Bar. Other expenses will be reimbursed at actual cost incurred rates.~~ Members of the Board shall be entitled to reimbursement for reasonable travel, meals, lodging and other expenses incurred in the course of their official duties.

**Rule 3. Definitions.**

For the purposes of these rules, the following definitions apply:

- (a) "Attorney" means a member of the Wyoming State Bar who is required to complete continuing legal education as provided in these rules.
- (b) The "Board" means the Wyoming State Board of Continuing Legal Education.
- (c) "Court" means the Wyoming Supreme Court.
- (d) An "hour" of ~~accredited~~ continuing legal education means 60 minutes in attendance at ~~an~~ ~~a~~ ~~accredited~~ continuing legal education activity. Credit will be given to the nearest quarter of an hour.

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**Rule 4. Continuing legal education requirements and conditions.**

(a) Requirements.

(1) *Active Members*: A minimum of 15 hours of continuing legal education including a total of two hours of legal ethics must be completed each calendar year, as provided in these rules.

(2) *New Active Members*: A minimum of 15 hours of continuing legal education including a total of two hours of legal ethics must be completed each calendar year, as provided in these rules. An attorney is exempt from the requirements of this rule during the calendar year in which the attorney is admitted to practice law in Wyoming.

(3) *Emeritus Members*: A minimum of seven (7) hours of continuing legal education including one hour of legal ethics must be completed each calendar year, as provided in these rules.

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(f) To obtain continuing legal education credit, an attorney shall submit an application approved by the Board or apply online on the Wyoming State Bar website ([www.wyomingbar.org](http://www.wyomingbar.org)) for each continuing legal education activity for which credit is sought. The application should be submitted within a reasonable time following participation in the activity. Applications ~~submitted~~ received after March 1 for continuing legal education activities completed during the previous calendar year shall not be accepted.

(1) For continuing legal education activities which have received prior accreditation under Rule 6, no further documentation is required other than the application.

(2) For continuing legal education activities which have not received prior accreditation under Rule 6, the application shall include a brief description of the activity, its dates, subjects, instructors and their qualifications, a copy of the activity outline, activity brochure ~~and~~ or other documentation upon which the CLE Director can make a determination as to the qualifications of the activity and the number of credit hours to which the applicant is entitled. Within a reasonable time after receipt of the application and accompanying materials, the CLE Director shall notify the attorney that the activity is not accredited or if the number of hours of credit approved is less than requested. Such notification shall be made by United States mail or by email to the address provided by such attorney to the Wyoming State Bar.

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## **Rule 5. Standards for continuing legal education activity.**

(a) A continuing legal education activity consisting of lecture (classroom) style instruction qualifies for accreditation, and the attorney participants, both attendees and faculty, are entitled to continuing legal education credit, if the CLE Director determines that:

(1) The activity constitutes an organized program of learning (including workshop or symposium) which contributes directly to the professional competency of an attorney;

(2) The activity pertains to legal subjects or other subject matters which integrally relate to the practice of law;

~~(3) The purpose of the activity is the education of professionals including attorneys;~~

~~(4) (3) The activity is conducted or taught by attorneys, although it may also be conducted or taught in part by attorneys or other individuals who have special education, training and experience by reason of which they should be considered experts concerning the subject matter of the program; and~~

~~(5) (4) The activity is accompanied by a detailed program description. In addition, submittal of a paper, manual or written outline which substantively pertains to the subject matter of the program. for the program and relevant supporting documents is recommended for all programs and required for all programs of longer than 60 minutes. The written outline shall be provided to participants via paper copy or electronically. A PowerPoint or similar slide show may be used to satisfy this requirement.~~

~~(b) Examples. The program's purpose must be the education of professionals, including attorneys, on legal topics or on non-legal topics which nevertheless integrally relate to the practice of law, such as~~

~~(1) A joint continuing legal education program sponsored, for instance, by accountants to which attorneys are invited and at which attorneys lecture on topics of interest to both accountants and attorneys would likely be accredited by the CLE Director, subject to the CLE Director's review of the specific course outline or program brochure.~~

~~(2) A meeting of doctors, lawyers, managed health care professionals and hospital administrators at which one or more attorneys lecture on topics of interest to all participants, such as legal concerns in the establishment of an HMO, malpractice, giving expert testimony, new federal laws and regulations for Medicaid/Medicare providers, would likely provide continuing legal education credit to attorney lecturers and to attorney attendees if the topics pertain to subject matters which integrally relate to the practice of law and contribute directly to the professional competency of an attorney.~~

~~(3) A meeting of public service commissioners and attorneys at which one or more attorneys lecture on topics such as new regulations, administrative rules, and/or laws would likely be accredited by the CLE Director if the topics pertain to subject matters which integrally relate to the practice of law and contribute directly to the professional competency of an attorney.~~

~~(4) A meeting of doctors at which one or more attorneys lecture on topics of interest to doctors, such as malpractice, court procedures or giving expert testimony would not qualify as continuing legal education credit to attorney lecturers or attendees, because the program was not intended for the continuing legal education of attorneys. Attorneys are expected to participate in such programs as a contribution to the community and to their profession. Other similar programs which would not ordinarily qualify for continuing legal education credit would include teaching a bar review course or presenting a seminar exclusively to records managers on "Law Enforcement Records Liability."~~

~~(5) Attending a course taught by engineers, for engineers, on topics which may be of vital interest to a product liability attorney would not provide continuing legal education credit to the attorney because the program was not intended for the continuing legal education of attorneys. Other programs which would not ordinarily qualify for continuing legal education credit include attending courses at a real estate school, attending a non-attorney workshop on juvenile delinquency or attending a non-attorney course on federal procurement.~~

~~(e)~~ (b) Time spent researching and writing articles that are published in a legal periodical including without limitation law reviews, legal newsletters, pamphlets, magazines or newspapers, consisting of case summaries, law updates and other subjects of interest to the legal community, qualifies for continuing legal education credit to a maximum of 15 hours in any calendar year. Authors of such articles applying for continuing legal education credit must submit a copy of the article, as published, with the approved form.

~~(d)~~ (c) An attorney may receive a maximum of five hours of legal education credit each calendar year for providing pro bono public service as defined in Rule 6.1 of the Wyoming Rules of Professional Conduct. Such credit may be received at the rate of one credit hour for each two hours of pro bono public service, including but not limited to (1) performing pro bono public service, (2) acting as a mentor for another attorney who is performing pro bono public service, and (3) acting as a mentor for an eligible law student in accordance with Rule 9 of the Rules Governing the Wyoming State Bar and the Authorized Practice of Law. No pro bono hours may be carried over to any subsequent years.

~~(e)~~ (d) An attorney may receive a maximum of ~~six~~ eight hours of continuing legal education credit each calendar year for self-study programs where audio, video or online material is used. Activities in which the attorney does not have the opportunity to ask the presenter questions during the presentation may be eligible for self-study credit subject to the eight-hour limit. No self-study hours may be carried over to any subsequent years.

~~(f)~~ (e) Attorneys will not receive continuing legal education credit for any "for profit" activity such as authoring a book or treatise for a fee or commission or teaching a course for which payment of other than expenses is received.

~~(g)~~ (f) Identical activities will not be accredited unless they are held at least one year apart in different calendar years.

## **Rule 6. Accreditation of continuing legal education activities.**

A sponsor may apply for accreditation of a continuing legal education program by submitting an application for accreditation online or on a form provided by the CLE Director, along with an application fee established by the Board. ~~The application fee established by the Board is subject to approval by the Court.~~ The application shall state the dates, subjects offered, total minutes of instruction, names and qualifications of speakers and other pertinent information. Programs are approved for 12 months and must be re-submitted for approval, along with payment of an application fee established by the Board, every 12 months in order for the program to be accredited that year. The application fee will be waived for programs that are being offered free of charge.

## **Rule 7. Hardship waivers and extensions.**

(a) The Board may, in individual cases involving hardship, grant waivers of the continuing legal educational requirements, including the delinquency fee, or extensions of time. Hardship

may be shown by illness, medical disability or other extraordinary or extenuating circumstances beyond the control of the attorney, but generally will not include financial hardship or lack of time due to a busy professional or personal schedule. Requests for waivers or extensions of time shall be submitted in writing to the Board and must be received by the executive director on or before the last business day preceding ~~prior to~~ March 1 of the year following the reporting period for which the request is being made. ~~The Board shall have discretion to review an untimely request if the attorney shows good and sufficient cause as to why the request was not submitted within the time required by this rule, and if the untimely request is submitted to the Board before a Recommendation for Suspension for Noncompliance has been submitted to the Court.~~

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### **Rule 8. Exemptions.**

~~(a) An attorney is exempt from the provisions of Rule 4(a) during the calendar year in which the attorney is admitted to practice law in Wyoming.~~

~~(b) (a)~~ A member of the Wyoming State Bar who is honorary, inactive, honorary retired or retired, according to Article I, Section 3 of the Bylaws of the Wyoming State Bar, is exempt from the provisions of Rule 4, and is not required to obtain or report continuing legal education credit on a yearly basis.

~~(c) (b)~~ An attorney who is elected to state or national executive or legislative office is exempt from the provisions of Rule 4 if written request for exemption is made each year the office is held.

~~(d) (c)~~ A member of the Board of Law Examiners is exempt from the provisions of Rule 4 if written request for exemption is made each year the attorney is a member of the Board of Law Examiners.

(d) A person who performed service in the uniformed services is exempt from the provisions of Rule 4 as provided in W.S. § 19-11-119.

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### **Rule 10. Penalties for failure to satisfy continuing legal education requirement.**

(a) An attorney who has not complied with the applicable continuing legal education requirement by January 15 of the year following the reporting period shall be delinquent and shall be assessed a \$300.00 delinquency fee. As soon as possible after January 15, the executive director of the Wyoming State Bar shall send a Notice of Delinquency to each delinquent attorney. The Notice of Delinquency shall be sent by United States mail and email to the attorney at the official address listed with the Wyoming State Bar. Attorneys who ~~are delinquent~~ have not complied with the applicable continuing education requirement by January 15 of the year following the reporting period shall have until March 1 to ~~submit applications for adequate credits to cure the delinquency,~~ along with payment of a \$300.00 delinquency fee payable to the Wyoming State Bar. Applications submitted after January 1 shall be applied first to the attorney's deficiency for the previous calendar year, if any.

(b) As soon as possible after March ~~15~~ 1, the ~~Board, upon certification from the Wyoming State Bar that the requirements of Rule 4(a) and/or Rule 10(a) have not been met by the attorney, and that the Notice of Delinquency required by Rule 10(a) was timely sent to the attorney,~~ shall forward ~~shall submit~~ a Recommendation for Suspension for Noncompliance with continuing legal education requirement to the Court for each attorney who failed to comply with the continuing

legal education requirement for the previous calendar year, ~~or~~ and for any each delinquent attorney who ~~has~~ failed to pay the delinquency fee. A copy of the Recommendation for Suspension for Noncompliance shall be sent by certified mail, return receipt requested, addressed to the attorney at the official address listed with the Wyoming State Bar.

(c) 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 delinquent attorney's license to practice law in the State of Wyoming should not be suspended, sent by certified mail, return receipt requested, addressed to the attorney at the official address listed with the Wyoming State Bar. Upon receipt of the order to show cause, the delinquent attorney shall either remedy the continuing legal education deficiency and pay the \$300.00 delinquency fee or shall 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 delinquent attorney shall also serve a copy of the response on the ~~Board~~ executive director of the Wyoming State Bar, together with a \$300.00 noncompliance fee payable to the Wyoming State Bar. The \$300.00 noncompliance fee is in addition to the delinquency fee provided in subsection (a) of this rule.

(d) If the attorney files a response to the Order to Show Cause and mails a copy of the response to the ~~Board~~ executive director of the Wyoming State Bar, the Wyoming State Bar shall submit any additional information to the Court within five (5) days of filing of the attorney's response. The Wyoming State Bar shall serve such submission on the attorney.

(e) In the absence of good cause shown, the Court may in its discretion impose a one year administrative suspension from the practice of law. It may also, in its discretion, not suspend an attorney who provides, in the attorney's response to the order to show cause, (1) a specific plan to correct any noncompliance, with such plan to be completed within 60 days of the filing of the attorney's response to the order to show cause, or (2) evidence of hardship justifying a waiver of such requirements as provided in Rule 7.

#### **Rule 11. Duties of suspended attorneys.**

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(f) Within 30 days after the effective date of the suspension order, the suspended attorney shall file with the Court and ~~Board~~ executive director of the Wyoming State Bar 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.

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#### **Rule 12. Reinstatement.**

The A suspended member may ~~be reinstated upon the seek reinstatement by 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~~ and six copies; with the Court. Such petition shall be filed within one (1) year of the date of the order of suspension. A copy of the petition shall also be provided to the ~~Board~~ executive director of the Wyoming State Bar. 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~~ the attorney on the client's security fund by 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~~ the fee paid by applicants for admission on motion. A response by the ~~Board~~ executive director of the Wyoming State Bar 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 for ~~a continuing legal education delinquency~~ failure to comply with continuing legal education requirements 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 the Wyoming Rules and Procedures Governing Admission to the Practice of Law.

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