

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D., 1986

In the Matter of the Amendment )  
of the Disciplinary Code for )  
the Wyoming State Bar. )

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

NOV 7 1986

ORDER

*M. J. Coan*  
CLERK

The Wyoming State Bar, through its Grievance Committee, having recommended to the court the adoption of the proposed Disciplinary Code for the Wyoming State Bar, attached hereto; and the court having examined the proposed Disciplinary Code and deeming the adoption thereof to be advisable; it is,

ORDERED, that the Disciplinary Code for the Wyoming State Bar, attached hereto, be, and the same is hereby adopted by the court, effective November 1, 1986; and,

ORDERED, that Rules I through XX of the Disciplinary Code, adopted by the court on November 26, 1957 and made effective December 1, 1957, be, and they are deleted, and the attached Disciplinary Code for the Wyoming State Bar is hereby substituted therefore; and,

ORDERED, that the amended Disciplinary Code for the Wyoming State Bar shall be published in the Advance Sheets of the Pacific Reporter and in the Wyoming Reporter; and, that the rules shall thereupon be spread at length on the journal of the court.

FURTHER ORDERED, that the Grievance Committee of the Wyoming State Bar be commended for the excellence of their work and that the gratitude of the court be extended to each member.

Dated this 7<sup>th</sup> day of November, 1986.

By the Court

*Richard V. Thomas*  
Richard V. Thomas  
Chief Justice



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DISCIPLINARY CODE FOR THE  
WYOMING STATE BAR

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PREAMBLE

This court declares that it has inherent power to supervise the conduct of attorneys who are its officers and in furtherance thereof promulgates the following rules pertaining to disciplinary enforcement.



RULE I. Jurisdiction.

Any attorney regularly admitted to practice law in this state or any attorney specially admitted to practice by a court of this state or any individual admitted to practice as an attorney in any other jurisdiction who regularly engages in the practice of law within this state as house counsel to corporations or other entities, counsel for governmental agencies or otherwise, is subject to the exclusive disciplinary jurisdiction of this court and the grievance committee hereinafter established.

The functions of the committee should be limited to matters concerning lawyer discipline, disability and ethics, provided the committee may assume investigative or adjudicative functions consistent with its role as an arm of the court, if such do not impair or jeopardize lawyer discipline and disability.

Nothing herein contained shall be construed to deny to any other court such powers as are necessary for that court to maintain control over proceedings conducted before it, such as the power of contempt.

RULE II. Grounds for Discipline.

The license to practice law in this state is a continuing proclamation by the court that the holder is fit to be entrusted with professional and judicial matters, and to aid in the administration of justice as an attorney and as an officer of the court. It is the duty of all recipients of that privilege to conduct themselves at all times, both professionally and personally, in conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law.

Acts or omissions by an attorney individually or in concert with any other person or persons, which violate the Code of Professional Responsibility as adopted by this court or any standards or rules that may be from time to time hereafter adopted by this court, shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of any attorney-client relationship.

Failure to timely respond to a request from the grievance committee may be grounds for discipline.

RULE III. Types of Discipline.

Misconduct shall be grounds for:

- (a) Disbarment; or
- (b) Suspension for a period not exceeding five (5) years; or
- (c) Public censure by the court; or

- (d) Reprimand by the grievance committee; or
- (e) Informal admonition by the grievance committee; or
- (f) Probation.

RULE IV. The Grievance Committee.

(a) The court shall appoint, upon the recommendation of the State Bar of Wyoming, a committee to be known as the "grievance committee" (hereinafter referred to as the "committee"), which shall consist of five (5) members of the Bar of this state, one of whom shall be designated by the court as chairman, a second as vice-chairman to act in the absence or disability of the chairman, and a third as second vice-chairman to act in the absence or disability of the chairman and vice-chairman.

(b) When the committee is first selected, two (2) of its members shall be appointed for a term of three (3) years, two (2) for a term of two (2) years, and one (1) for a term of one (1) year, and thereafter all regular terms shall be three (3) years. No member shall serve for more than six (6) consecutive years; a member may be reappointed after a lapse of one (1) year. The committee shall act only with a concurrence of a majority of a quorum. Three (3) members shall constitute a quorum.

(c) The committee shall be a unitary entity whose function shall be the investigation of allegations of misconduct (hereinafter referred to as a grievance) on the part of an attorney subject to the jurisdiction of this code; determination of the truthfulness of such allegations; making recommendations regarding discipline to the Wyoming Supreme Court; and taking all other actions authorized by this code. While it must provide for and administer both investigatory and adjudicative functions, these functions shall be separated within the committee insofar as practicable.

(1) The committee shall consider grievances and responses thereto, and the committee or any member thereof may perform limited and informal investigation, including an informal conference with the responding attorney, for the purpose of determining:

- (i) If dismissal of the grievance is justified;
- (ii) If formal investigation is warranted; or
- (iii) If the matter should be concluded by private reprimand or informal admonition.

(2) When serious allegations of misconduct are indicated and when formal investigation is deemed appropriate, it shall be performed or supervised by counsel

retained for that purpose who shall report his findings to the Attorney General.

(3) The prosecutorial function shall be directed and performed by the Attorney General who may, upon receipt of the investigation report from the investigating counsel:

(i) Proceed under Rule 6;

(ii) Present all evidence of misconduct by the attorney to the committee; or,

(iii) Recommend to the committee that the grievance be dismissed.

Such recommendation shall not be binding upon the committee.

(4) The adjudicative function shall be performed by the committee.

(d) The committee shall have the power:

(1) To consider and cause to be investigated the conduct of any attorney within the jurisdiction of this court and may initiate any such investigation on its own motion or may undertake the same upon the written complaint of any person;

(2) To retain counsel to conduct any investigation. Investigating counsel shall be a reputable and experienced member of the Bar and shall be appointed by and serve at the pleasure of the committee;

(3) To enlist the assistance of the judges of the courts and of all members of the Bar to accomplish its objectives (it being the duty of all members of the Wyoming State Bar upon request to assist the committee in all reasonable ways);

(4) To review grievances;

(5) To dismiss grievances or to cause further investigation to be performed;

(6) To administer and direct formal disciplinary proceedings;

(7) To conclude grievance matters by reprimand or informal admonition;

(8) To recommend to this court public reprimand;

(9) To place offending attorneys upon a probationary status for a period not to exceed two (2) years, upon conditions to be established by the committee in writing;

(10) As a condition of probation, to require a respondent to make restitution to persons financially injured by the respondent's conduct and to require reimbursement to the client's security fund (see Rule 22, Supreme Court Rules Providing for the Organization and Government of the Bar Association of the Attorneys at Law of the State of Wyoming);

(11) To exercise all powers and duties as established by law;

(12) To hold an informal conference with any attorney;

(13) To adopt rules of procedure not inconsistent with the rules promulgated by this court. A copy of the committee's rules and any amendments thereto shall be filed promptly with the clerk of the Supreme Court;

(14) To maintain records of all matters processed by the committee and the disposition thereof:

(i) When a grievance is dismissed as being without merit, or when an admonishment is ordered by the grievance committee, records relating to the matter shall be retained for a period of two (2) years;

(ii) Records relating to a private reprimand shall be retained for a period of six (6) years;

(iii) Records relating to disbarment, suspension, public reprimands and probation shall be kept permanently.

(15) To assure compliance with an order of suspension, disbarment or probation.

#### RULE V. Initial Procedure.

(a) The committee shall initiate or cause to be initiated all investigations. All attorneys receiving complaints shall cause the same to be forwarded to the committee. It shall be the duty of each court of record to report in writing to the committee any action or inaction on the part of any attorney appearing before it or in its jurisdiction which, in the opinion of the court, constitutes probable cause for discipline.

(b) Upon receiving a written complaint, the committee shall cause such investigation to be made as it shall deem appropriate.

(c) Upon completion of a limited and informal investigation, the committee shall:

(1) If it determines the complaint is not meritorious, notify the complainant and such other persons as the committee may deem appropriate;

(2) If it determines the complaint to be meritorious, it shall cause written notice of its findings and of its proposed action, including notice of the commencement of a formal investigation, to be sent to the attorney involved; the attorney involved shall then have twenty (20) days in which to either accede to the findings and proposed action or to request an informal conference with the committee. Failure to respond shall be deemed to be an agreement with the findings and proposed action, or proposed course of action, of the committee;

(3) The committee shall dismiss, privately reprimand, admonish or direct the commencement of a formal investigation.

(d) The complainant shall be advised of the committee's action within ten (10) days after the same has been completed.

(e) Upon the dismissal by the committee of a complaint which the committee determines has no merit, or upon the completion of informal proceedings against the attorney by the committee in which the attorney has been privately reprimanded, or informally admonished by the committee, the complainant may petition the Supreme Court for review of the committee's action. The complainant must file a petition in the Supreme Court which specifies the provisions of the Code of Professional Responsibility allegedly violated by the attorney and also specifies the particular facts which should have led the committee to a different conclusion. Such petition shall be accompanied by a full copy of the committee's file in the matter, prepared at the expense of the complainant petitioning for review.

#### RULE VI. Formal Disciplinary Procedure.

(a) Upon completion of a formal investigation, investigating counsel shall report the results of that investigation to the Attorney General. The Attorney General may move the committee to dismiss the grievance but such recommendation shall not be binding on the committee. Otherwise, the Attorney General shall proceed to prosecute the action, conducting the necessary steps in that regard thereafter.

(b) Notice and process relating to the institution of formal disciplinary proceedings shall be as provided in the rules of procedure adopted by the committee.

(c) All hearings shall be before the committee and shall be conducted in conformity with the committee's rules of procedure.

A complete record, either by stenographic or electronic means, shall be made of all formal disciplinary proceedings.

(d) The chairman, vice-chairman, or second vice-chairman, as the case may be, shall have the authority to administer oaths, to compel the attendance of witnesses, to require the production of evidence and to enforce discipline and control, substantially similar to that of a district judge, including the power of subpoena and the power to punish by contempt proceedings any failure to abide by the directions of the committee.

(e) Information regarding prior discipline of a respondent shall not be relevant to the issue of whether the conduct alleged has occurred. Information regarding prior discipline may be relevant to the issue of the discipline to be imposed but such information shall not be divulged to the committee until after there has been a finding of misconduct in the present matter.

(f) At the conclusion of any formal disciplinary proceeding, the committee, or a majority of the quorum, shall make a report of its findings and recommendations. If it shall be found that the charges have not been proved by clear and convincing evidence, the committee shall enter an order dismissing the complaint, and the matter shall be terminated. Any person who has filed a complaint in the proceedings and who desires the matter to be reviewed by the Supreme Court may petition such court for review by stating with particularity the facts which he believes the committee to have misapprehended or overlooked in the proper determination of the cause; provided, further, that the petition shall be accompanied by a full transcript of the proceedings prepared at the expense of the party petitioning for review.

If the committee finds the charges have been proved by clear and convincing evidence, it shall recommend discipline and the extent thereof, filing a copy of its report, findings, recommendations and any minority views with the clerk of the Supreme Court and mailing a copy thereof to the respondent-attorney and to counsel who is representing respondent in the proceedings.

(g) Whenever the committee shall recommend to the Supreme Court that an attorney be disciplined and shall file its report, findings and recommendations with the clerk of the Supreme Court (with a copy mailed to the respondent-attorney and his or her counsel), the said respondent-attorney shall within twenty (20) days after the mailing of such copy file with the clerk of the Supreme Court six (6) copies of:

(i) A statement that respondent does not wish to file exceptions to the report, findings and recommendations; or

(ii) Respondent's exceptions to said report with explicit reasons therefor.

If the respondent-attorney files a statement that respondent does not wish to file exceptions to the report or, if the respondent-attorney fails to respond, the court shall proceed with such discipline as it may determine to be proper. If the respondent-attorney files exceptions properly supported with a transcript or relevant portions thereof, the court shall immediately calendar the matter for such briefs or arguments as it may deem appropriate and shall thereafter enter its judgment. During its review, the Supreme Court shall not receive or consider any evidence that was not presented to the committee.

**RULE VII. Immunity.**

(a) Complaints submitted to the committee shall be absolutely privileged and no lawsuit predicated thereon may be instituted. Members of the committee, the executive secretary to the committee, those persons investigating, and any persons prosecuting a recommendation of the grievance committee before the Supreme Court shall be immune from suit for conduct in the course of their official duties.

(b) Witnesses will be absolutely immune from civil liability for all communications to the grievance committee, and investigative and prosecutorial staff, and for testimony given in the proceeding.

**RULE VIII. Refusal of Complainant to Proceed, Compromise, etc.**

Neither unwillingness or neglect of the complainant to sign a complaint or to prosecute a charge, nor settlement, compromise, or restitution, shall, in itself, justify abatement of an investigation into the conduct of an attorney and proper disciplinary proceedings.

**RULE IX. Matters Involving Related Pending Civil or Criminal Litigation.**

All complaints involving material allegations which are substantially similar to the material allegations of pending criminal or civil litigation may, at the discretion of the committee, be deferred until the conclusion of such litigation, provided that the respondent-attorney makes all reasonable efforts to obtain the prompt trial and disposition of such pending litigation.

The acquittal of the respondent-attorney on criminal charges or a verdict or judgment in respondent's favor in a civil litigation involving substantially similar material allegations shall not in and of itself justify abatement of a disciplinary investigation predicated upon the same material allegations.

**RULE X. Required Records.**

All attorneys subject to these rules shall maintain complete records of the handling, maintenance and disposition of all funds, securities, and other properties of a client at any time in their possession, from the time of receipt to the time of final distribution, and shall preserve such records for a period of five (5) years after final distribution of such funds, securities, and other properties, or any portion thereof.

**RULE XI. Attorneys Convicted of Serious Crimes.**

(a) Upon the filing with this court of a certified copy of an official record or document demonstrating that an attorney has been convicted of a serious crime as hereinafter defined, this court shall enter an order immediately suspending the attorney, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of an appeal, pending final disposition of a disciplinary proceeding to be commenced upon such conviction.

(b) The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime, involves moral turpitude, interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or conspiracy or solicitation of another to commit a "serious crime".

(c) A certified copy of an official record or document demonstrating that an attorney has been convicted of any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against him based upon the conviction.

(d) Upon the receipt of a certified copy of an official record or document demonstrating that an attorney has been convicted of a serious crime, the court shall, in addition to suspending the attorney in accordance with the provisions of (a) of this rule, also refer the matter to the committee for formal disciplinary proceeding, in which the sole issue to be determined shall be the extent of the final discipline to be imposed, provided that a disciplinary proceeding so instituted will not be brought to hearing until all appeals from the conviction are concluded. In the course of such formal disciplinary proceeding that attorney may not challenge the propriety of the judgment of conviction.

(e) Upon receipt of a certified copy of an official record or document demonstrating that an attorney has been convicted of a crime not constituting a serious crime, the court shall refer the matter to the committee for whatever action it may deem warranted, provided, however, that this court may in its discretion make no reference with respect to convictions for minor offenses.

(f) An attorney suspended under the provisions of (a) of this rule will be reinstated immediately upon the filing of a document demonstrating that the underlying conviction for a serious crime has been reversed; but the reinstatement will not terminate any proceeding then pending against the attorney, the disposition of which shall be determined by the committee on the basis of the available evidence.

(g) The clerk of any court of record within the state in which an attorney is convicted shall within ten (10) days of said conviction transmit a certified copy of an official record or document demonstrating such conviction to this court and the committee.

(h) Upon being advised that an attorney has been convicted of a crime within this state, the committee shall determine whether the clerk of the court where the conviction occurred has forwarded a document to this court in accordance with the provisions of (g) of this rule. If the document has not been forwarded by the clerk or if the conviction occurred in another jurisdiction, it shall be the responsibility of the committee to obtain a certified copy of an official record or document and transmit it to this court.

#### RULE XII. Transfer to Disability Inactive Status.

(a) Where an attorney has been judicially declared incompetent, the Supreme Court, upon proper proof of the fact, shall enter an order placing such attorney on disability inactive status effective immediately and for an indefinite period until the further order of the court. A copy of such order shall be served upon such attorney, the attorney's guardian, if any, and if the attorney be confined in a mental hospital, on the director of the hospital, in such manner as the court may direct.

(b) The committee may petition the Supreme Court to determine whether an attorney is incapacitated from continuing the practice of law by reason of mental infirmity or illness or because of addiction to drugs or intoxicants. The court may take or direct such action as it deems necessary or proper to determine whether the attorney is so incapacitated, including the examination of the attorney by such qualified medical experts as the court shall designate. If the court concludes that the attorney is incapacitated from continuing to practice law, it shall enter an order placing the attorney on disability inactive status for an indefinite period and until the further order of the court and any pending disciplinary proceeding against the attorney shall be held in abeyance.

(c) If, during the course of a disciplinary proceeding, the respondent contends that he or she is suffering from a disability by reason of mental or physical infirmity or illness, or because of addiction to drugs or intoxicants, which make it impossible for the respondent to adequately defend himself or herself, the court thereupon shall enter an order immediately placing the respondent

on disability inactive status until a determination is made of the respondent's capacity to continue to practice law in a proceeding instituted in accordance with the provision of (b) of this rule.

(d) An attorney who is placed on disability inactive status shall not engage in the practice of law until reinstated to active status in accordance with the provisions of (e) of this rule.

(e) Any attorney placed on disability inactive status under the provisions of this rule shall be entitled to apply for reinstatement once a year or at such shorter intervals as the court may direct in the order placing the attorney on disability inactive status or any modification thereof. The attorney must present the application in the initial instance to the committee. Such application must show by clear and convincing evidence the attorney's disability has been removed and the attorney is fit to resume the practice of law. Upon such application, the committee may take or direct such action as it deems necessary or proper to a determination of whether the attorney's disability has been removed, including a direction for an examination of the attorney by such qualified medical experts as the committee shall designate. In its discretion, the committee may direct that the expense of such an examination shall be paid by the attorney. Upon conclusion of its consideration of the application for reinstatement, the committee shall make its recommendation to the court on the application. The court may take or direct any further action it deems necessary in consideration of the application.

Where an attorney has been placed on disability inactive status in accordance with the provisions of (a) of this rule, and thereafter, in proceedings duly taken, has been judicially declared to be competent, the court may dispense with further evidence that the disability has been removed and may direct the attorney's reinstatement upon such terms as are deemed proper and advisable.

(f) In a proceeding seeking an order of placement on disability inactive status under this rule, the burden of proof shall rest with the committee. In a proceeding seeking an order for reinstatement to active practice under this rule, the burden of proof shall rest with the disabled inactive attorney.

(g) The filing of an application for reinstatement by an attorney placed on disability inactive status shall be deemed to constitute a waiver of any doctor-patient privilege with respect to any treatment of the attorney during the period of disability. The attorney shall be required to disclose the name of every psychiatrist, psychologist, physician, and hospital by whom or in which the attorney has been examined or treated since the suspension; and the attorney shall furnish to the court written consent to each to divulge such information and records as requested by court-appointed medical experts.

RULE XIII. Resignations by Attorneys Under Disciplinary Investigation.

(a) Any attorneys who are the subject of investigations into allegations of misconduct on their part may offer their resignations by submitting to the committee an affidavit stating that they desire to resign and that:

(1) Their resignation is freely and voluntarily rendered; they are not being subjected to coercion or duress; they are fully aware of the implications of submitting their resignations, including the fact that for the purpose of reinstatement they will occupy the same position as disbarred attorneys;

(2) They are aware that there is presently pending investigations into allegations that they have been guilty of misconduct the nature of which they shall specifically set forth;

(3) They acknowledge that the material facts upon which the complaint is predicated are true; and

(4) They submit their resignations because they know that if charges were predicated upon the misconduct under investigation they could not possibly defend themselves against them.

(b) Upon receipt of the required affidavit, the committee shall file it with the court; and the court shall enter an order disbaring the attorney on consent.

(c) The order disbaring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of (a) of this rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of the court.

RULE XIV. Reciprocal Discipline.

(a) Upon receipt of a certificate that an attorney admitted to practice in this state has been disciplined in another jurisdiction, the court shall enter an order imposing the identical discipline or, in its discretion, suspending the attorney pending the imposition of final discipline.

(b) In the event the discipline imposed in the other jurisdiction has been stayed there, the entry of an order pursuant to the provisions of (a) of this rule shall be deferred until such stay expires.

(c) The committee or the respondent-attorney may move the court within thirty (30) days after the entry of an order imposing reciprocal discipline pursuant to the provision of (a) of this rule for an order modifying the reciprocal discipline upon the

ground that upon the face of the record upon which the discipline is predicated it clearly appears (i) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process, or (ii) there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this court could not consistently with its duty accept as final the conclusion on that subject, or (iii) that the imposition of the same discipline by this court would result in grave injustice, or (iv) that the misconduct established has been held by this court to warrant substantially different discipline.

(d) In the event the court suspends the attorney disciplined in another jurisdiction pending imposition of final discipline pursuant to the provisions of (a) of this rule, the court shall issue an order requiring the attorney to show cause why the identical discipline should not be imposed in this jurisdiction. The attorney's response to the order to show cause shall be limited to the above enumerated criteria as reflected in the record of the proceeding resulting in the imposition of discipline in the foreign jurisdiction.

(e) In all respects except as above indicated a final adjudication in another jurisdiction that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in the state.

#### RULE XV. Disbarred or Suspended Attorneys.

(a) A disbarred or suspended attorney shall promptly notify by registered or certified mail, return receipt requested, all clients in pending matters, other than litigated or administrative matters or proceedings pending in any court or agency, of the attorney's disbarment or suspension and the attorney's consequent inability to act as an attorney after the effective date of the disbarment or suspension and shall advise said clients to seek legal advice elsewhere.

(b) A disbarred or suspended attorney shall promptly notify by registered or certified mail, return receipt requested, each of his clients and any co-counsel who are involved in litigated matters or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceedings, or in the absence of such counsel, the adverse party or parties, of his disbarment or suspension and consequent inability to act as an attorney after the effective date of his disbarment or suspension. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in his place.

In the event the client does not obtain substitute counsel before the effective date of the disbarment or suspension; it shall be the responsibility of the disbarred or suspended attorney to move pro se in the court or agency in which the proceeding is pending for leave to withdraw.

The notice to be given to the attorney or attorneys for an adverse party or, in the absence of such counsel, the adverse party or parties, shall state the place of residence of the client of the disbarred or suspended attorney.

(c) The disbarred or suspended attorney shall deliver to all clients being represented in pending matters any papers or other property to which they are entitled or notify them and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or any other property.

(d) The disbarred or suspended attorney, after entry of the disbarment or suspension order, shall not accept any new retainer or engage as an attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order to its effective date he may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

(e) The disbarred or suspended attorney shall refund any part of any fees paid in advance that have not been earned.

(f) Within ten (10) days after the effective date of the disbarment or suspension order, the disbarred or suspended attorney shall file with the court an affidavit showing: (i) that he has fully complied with the provisions of the order and with this rule, and (ii) that he has served a copy of such affidavit upon the committee. Such affidavit shall also set forth the residence or other address of the disbarred or suspended attorney where communications may thereafter be directed to the attorney.

(g) A disbarred or suspended attorney shall keep and maintain records of the various steps taken under this rule so that on any subsequent proceeding instituted by or against the disbarred or suspended attorney proof of compliance with these rules and with the disbarment or suspension order will be available.

**RULE XVI. Appointment of Counsel to Protect Clients' Interests When Attorney is Suspended for Disability or Disappears or Dies While Under Investigation.**

(a) Whenever an attorney is suspended for disability or disappears or dies while under investigation and no partner, executor, or other responsible party capable of conducting the attorney's affairs is known to exist, the appropriate local court, upon proper proof of the fact, may appoint an attorney or attorneys to inventory the files of the suspended, disappearing, or deceased attorney and to take such action as seems indicated and is approved by the court to protect the interests of clients of the suspended, disappearing, or deceased attorney as well as the interests of that attorney.

(b) Any attorney so appointed shall not be permitted to disclose any information contained in any files so inventoried without the consent of the client to whom such file relates except as necessary to carry out the order of the court which appointed the attorney to make such inventory.

RULE XVII. Reinstatement.

(a) A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five (5) years from the effective date of the disbarment.

(b) An attorney who has been suspended for six months or less shall be reinstated automatically upon expiration of the period of suspension and the filing of an affidavit with the court, a copy of which shall be served upon the committee that the attorney has complied with all applicable discipline or disability orders and rules.

(c) An attorney who has been suspended for a specific period of greater than six months may not move for reinstatement until the expiration of the period specified in the order of suspension.

(d) A person who has been suspended indefinitely due to disability under the provisions of Rule XI may move for reinstatement upon clear and convincing evidence that the disability has been terminated and that the person is once again fit to resume the practice of law, provided, however, that in the event a motion for reinstatement is denied, no further motion for reinstatement may be made until the expiration of at least one (1) year following the denial unless another period for renewing the motion for reinstatement is specified in the order of suspension or in the order denying a prior motion for reinstatement.

(e) Motions for reinstatement by disbarred attorneys or attorneys suspended for misconduct rather than disability shall be served upon the committee at least two (2) months prior to the return date thereof. Upon receipt of the motion for reinstatement, the committee shall cause the matter to be investigated. The committee shall promptly schedule a hearing at which the respondent-attorney shall have the burden of demonstrating by clear and convincing evidence that the respondent has the moral qualifications, competency, and learning in law required for admission to practice law in this state and that the respondent's resumption of the practice of law will be neither detrimental to the integrity and standing of the Bar or the administration of justice nor subversive to the public interest. At the conclusion of the hearing, the committee shall promptly file a report containing its findings and recommendations and transmit the same, together with the record, to this court. This court shall enter a final order deciding the motion within sixty (60) days.

(f) The court in its discretion may direct that the necessary expenses incurred in the investigation and processing of a motion for reinstatement be paid by the respondent-attorney.

RULE XVIII. Expenses.

The expenses of the members of the committee, investigators, and other expenses incurred in the implementation or administration of these rules shall be paid by the committee out of the funds allocated to it by the Wyoming State Bar.

In all cases where discipline is recommended by the grievance committee, it shall certify to the Supreme Court the costs incurred in connection with the investigation and disciplinary proceeding. The committee may recommend to the court the assessment of those costs and if the Supreme Court imposes discipline, the court may assess the respondent all or any part of the costs so certified.

In any case where costs are assessed, the assessed costs shall be paid to the Wyoming State Bar for the account of the Wyoming State Bar Grievance Committee.

RULE XIX. Confidentiality.

(a) All proceedings involving allegations of misconduct by an attorney shall be kept confidential until and unless a recommendation for the imposition of discipline is filed with the court by the committee or the respondent-attorney requests that the matter be public or the investigation is predicated upon the conviction of the respondent-attorney for a crime.

(b) Information regarding matters that are not public should be available only to agencies authorized by the court and only if the disclosure is made in furtherance of an ongoing investigation into misconduct of the respondent.

RULE XX. American Bar Association.

Upon the establishment by the American Bar Association of a permanent organization to coordinate and strengthen disciplinary enforcement, a copy of any order entered by the court suspending, disbarring, or reinstating an attorney will be sent to that organization by the clerk of this court.

RULE XXI. Effective Date.

These rules shall become effective on November 1, 1986, and any disciplinary action pending on that date shall be governed by these rules.

RULE XXII. Resolution of Fee Disputes.

(The text of this rule is not changed but has been renumbered.)

