

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

***October Term, A.D. 2011***

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***In the Matter of the Amendments to***            )  
***The Disciplinary Code for the***                )  
***Wyoming State Bar***                                )

**ORDER AMENDING SECTIONS 7, 9, 16, AND 19 OF THE  
DISCIPLINARY CODE FOR THE WYOMING STATE BAR**

**Bar Counsel for the Wyoming State Bar** has recommended that the Wyoming Supreme Court make relatively minor amendments to Sections 7, 9, 16, and 19 of the Disciplinary Code for 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 Sections 7, 9, 16, and 19 of the Disciplinary Code for the Wyoming State Bar, attached hereto, be, and hereby are, adopted by the Court to be effective immediately; and it is further

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

**DATED** this 22<sup>nd</sup> day of February, 2012.

**BY THE COURT:**

/s/

**MARILYN S. KITE**  
**Chief Justice**

## DISCIPLINARY CODE FOR THE WYOMING STATE BAR

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### 7. Peer review panel.

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(c) The Panel shall:

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(i) Provide general supervision of, guidance to, and oversight of Bar Counsel;

(ii) Report to the Commissioners regarding the performance of Bar Counsel;

(iii) Determine whether probable cause exists, justifying the filing of a formal charge or petition regarding disability status; ~~and~~

(iv) Perform requested reviews of dismissals pursuant to Section 11(b); and

(v) Determine whether sufficiently credible or verifiable information exists to warrant an investigation by Bar Counsel as provided in Section 11(a).

(d) The Panel shall act only upon concurrence of two of the three members.

(e) For good cause shown, the Court may appoint a temporary replacement member or members in situations in which one or more of the regularly-appointed Panel members are not available to serve.

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### 9. Board of Professional Responsibility (BPR).

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(a) The Court shall appoint, upon the advice of the president of the Wyoming State Bar, a Board of Professional Responsibility, consisting of seven members, five of whom shall be members of the Wyoming State Bar and two of whom shall be non-attorneys. One member shall be designated by a majority vote of the BPR as chair, a second as vice-chair to act in the absence or disability of the chair, and a third as second vice-chair to act in the absence or disability of the chair and vice-chair.

(i) Each member of the BPR shall serve a three year term. If a member does not complete a term, the Court shall appoint another person to complete that term.

(ii) Attorneys must succeed attorneys and non-attorneys must succeed non-attorneys on the BPR.

(iii) No member shall serve for more than two consecutive terms, although a former member may be appointed to serve again after having been off the BPR for at least three (3) years.

(iv) Consideration shall be given to the appointment of members who reside in different parts of the state and who have differing degrees of experience and types of expertise in the practice of law.

(v) The BPR shall act only upon concurrence of a majority of a quorum. A quorum shall be no fewer than five (5) members.

(vi) For good cause shown, the Court may appoint a temporary replacement member or members in situations in which one or more of the regularly-appointed BPR members are not available to serve.

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## **16. Stipulated discipline.**

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(a) At any time after an investigation is initiated ~~a file is opened~~, Bar Counsel and respondent may stipulate to a form of discipline by submitting to the BPR a written stipulation and affidavit of respondent which provides a detailed description of the factual basis for the violation and for imposition of the specified discipline, and a detailed description of the discipline to be imposed. The stipulation and affidavit shall state that respondent willingly and knowingly consents to the imposition of the specified discipline, and that the stipulation is voluntarily entered into.

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## **19. Disciplinary hearings.**

(a) The BPR shall arrange for a complete record, either by stenographic or electronic means, to be made of all evidentiary hearings held in disciplinary proceedings. Respondent may obtain a transcript of such record at respondent's expense. At the time of ordering the transcript, respondent shall make arrangements, satisfactory to the reporter, for payment of costs of the transcript.

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