

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2012

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

ORDER AMENDING THE BYLAWS OF THE WYOMING STATE BAR

The Wyoming State Bar has 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 April 1, 2013; 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 published 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 5th day of February, 2013.

BY THE COURT:

/s/

MARILYN S. KITE
Chief Justice

BYLAWS OF THE WYOMING STATE BAR

ARTICLE I. MEMBERSHIP

Section 1. Persons included in membership.

The membership of the Wyoming State Bar shall consist of all those persons who are licensed to practice law in ~~this state~~ Wyoming, subject to due compliance with the conditions and requirements of membership.

Section 2. ~~Enrollment~~ Member contact information.

~~Every person who becomes licensed to practice law in this state shall enroll in the State Bar by signing and filing in the State Bar office within ten (10) days after admission to practice, a registration card containing the registrant's:~~ 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) Office address, mailing address and location of principal office;
- (d) ~~Date of admission to practice in Wyoming~~ E-mail address;
- (e) Telephone number (required for active status members); and
- ~~(e)~~ (f) Date of admission to practice in any state or states other than Wyoming. ;
- ~~(f)~~ Date and place of birth;
- ~~(g)~~ Name of law school and year of graduation;
- ~~(h)~~ Social security number.

~~Every change after enrollment in respect of any of the matters above specified shall be promptly reported to the State Bar offices. Communications from the association~~ Wyoming State Bar to any member shall be sent to the latest office address most recent mailing and e-mail addresses furnished by the member.

Section 3. Status of membership.

~~(a)~~ The members of the Wyoming State Bar shall ~~be identified from only~~ hold one of the following ~~seven (7)~~ nine (9) statuses:

~~(1)~~ (a) Active:

~~(i)~~ (1) ~~Any person licensed~~ Is authorized to practice law in the State of Wyoming, ~~and not suspended or disbarred or in any of the other five statuses described below.~~ including (i) furnishing legal counsel; (ii) drafting legal documents and pleadings; (iii) interpreting and giving advice regarding the law and legal issues; and (iv) preparing, trying or presenting cases before the courts, departments of government, bureaus or administrative agencies.

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

~~(iii)~~ (3) Completes ~~CLE~~ Continuing Legal Education (“CLE”) as required by ~~Rule 4~~ of the Rules for Continuing Legal Education of Members of the Wyoming State Bar.

(4) Any member who seeks to change from inactive status, honorary retired status, or retired status to active status must file a written request 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 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, or retired 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 calendar 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 calendar 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 calendar 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 through admission by examination in accordance with 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 active status for one full year before requesting a different status.

(b) New active: Meets the requirements of active status but has been licensed to practice law in any jurisdiction for five (5) years or less.

~~(2)~~ (c) Inactive:

~~(i)~~ (1) Does not actively practice, as defined by ~~Rule 303~~ of the Rules and Procedures Governing the Admission to the Practice of Law. Is not authorized to practice law in the State of Wyoming.

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

~~(iii)~~ (3) Is not required to complete any CLE.

~~(iv)~~ (4) Files with the ~~Executive Director~~ executive director of the ~~State Bar~~ a written request to be placed on inactive status.

~~(v) Except as provided in subsection 2(vi) below, in order to return to active status, must: (1) within 36 months of being placed on inactive status, file a written request with the Executive Director to be placed on active status, and (2) satisfy the requirements of an active member for the calendar year in which the request is made. If an inactive member fails to return to active status as previously provided, that member may only return to active status through admission by examination to the Wyoming State Bar in accordance with Sections II and IV of the Rules and Procedures Governing Admission to the Practice of Law.~~

~~(vi) May continue on inactive status indefinitely as long as the member continues to actively practice law as defined by Rule 303, Rules and Procedures Governing Admission to the Practice of Law in some other jurisdiction. If such member wants to transfer to active status in Wyoming, the member must file a written request with the Executive Director and certify that the member has continued to practice in some other jurisdiction since taking inactive status and provide the affidavit prescribed by the Wyoming State Bar to support such request. In the event that a member on inactive status under this subsection is no longer engaged in the active practice of law in any jurisdiction, the member shall only return to active status by meeting the requirements of Section 3(a)(2)(v).~~

~~(3) (d) Honorary:~~

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

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

~~(iii) 3 Is not required to complete any CLE required by the Rules for Continuing Legal Education of Members of the Wyoming State Bar.~~

~~(iv) To return to active status must: (1) within 36 months of being removed from honorary status, file a written request with the Executive Director to be placed on active status, and (2) satisfy the requirements of an active member for the calendar year in which the request is made. If an honorary member fails to return to active status as previously provided, that member may only return to active status through admission by examination to the Wyoming State Bar in accordance with Sections II and IV of the Rules and Procedures Governing Admission to the Practice of Law.~~

~~(4) (e) Honorary Retired:~~

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

~~(ii) Has not resumed the active practice of law within 36 consecutive months of retiring from the judiciary.~~

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

~~(iv) 3 Is not required to complete any CLE.~~

~~(v) To return to active status must (1) within 36 months of being placed on honorary retired status, file a written request with the Executive Director to be placed on active status, and (2) satisfy the requirements of an active member for the calendar year in which the request is made. If an honorary retired member fails to return to active status as previously provided, that~~

~~member may only return to active status through admission by examination to the Wyoming State Bar in accordance with Sections II and IV of the Rules and Procedures Governing Admission to the Practice of Law.~~

~~(5) (f) Retired:~~

~~(i) (1) Is not engaged in the active practice of law. Files with the executive director a written request to be transferred to retired status, which request shall include a certification that the member is not engaged and does not intend to engage in the active, authorized practice of law (as defined by the Rules and Procedures Governing the Admission to the Practice of Law) in Wyoming or any other jurisdiction.~~

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

~~(iii) (3) Is not required to complete any CLE.~~

~~(iv) Files with the Executive Director a written request to be placed on retired status.~~

~~(v) (4) Had been an active member of the Wyoming State Bar for a minimum of ten (10) of the fifteen (15) years immediately prior to requesting retired status. Is not in arrears on license fees, CLE requirements, or any obligation to the clients' security fund. A member who is suspended or disbarred cannot retire until the member is reinstated. A member who is not suspended or disbarred cannot retire "in good standing" until: All past and current license fees and any late charges are paid in full; all past and current annual fees for continuing legal education are paid; the attorney is current on all mandatory legal education requirements; and there have been no claims or awards made in regard to the attorney on the client security fund for which the fund has not been reimbursed; and where applicable, the attorney has been determined to be mentally and physically able to resume the practice of law.~~

~~(vi) To return to active status must (1) within 36 months of being placed on retired status, file a written request with the Executive Director to be placed on active status, and (2) satisfy the requirements of an active member for the calendar year in which the request is made. If a retired member fails to return to active status as previously provided, that member may only return to active status through admission by examination to the Wyoming State Bar in accordance with Sections II and IV of the Rules and Procedures Governing Admission to the Practice of Law.~~

~~(6) Incapacitated: [Modified and moved to status (i) below]~~

~~(i) Has been determined to be incapacitated from the practice of law pursuant to Section 3(b) or 3(e) below.~~

~~(ii) Pays the same amount of annual dues as inactive members.~~

~~(iii) Is not required to complete any CLE.~~

~~(iv) Must seek admission to active status in the Wyoming State Bar pursuant to Section 3(h) below within 36 consecutive months of being placed on incapacitated status, or said attorney's membership will be terminated.~~

~~(g) Suspended:~~

~~(1) 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 for Continuing Legal Education of Members of the Wyoming State Bar, or placed on interim suspension by the Wyoming Supreme Court.~~

(2) Pays the same license fee and is bound by the same CLE requirements as before the suspension.

~~(7)~~ (h) Emeritus:

~~(i)~~ (1) ~~Emeritus Attorney is~~ Is a member in good standing of the Wyoming State Bar; ;
~~(ii)~~ (2) ~~Has been engaged in the active practice of law, retired, or active as a member of the judiciary preceding the application to participate in the emeritus program;~~

~~(iii)~~ (3) Is not required to pay a license fee; ;
~~(iv)~~ (4) Is required to complete, annually, seven (7) hours of continuing legal education, one of which hours must involve the study of legal ethics; ;

~~(v)~~ (5) Has been accepted into the ~~Emeritus~~ emeritus program and complies with the ~~Rules and Regulations~~ rules and regulations of that program, ~~which are set out below in subsection (viii) as set forth below;~~ ;

~~(vi)~~ (6) Agrees to abide by the Wyoming Rules of Professional Conduct and to submit to the jurisdiction of the Wyoming Supreme Court and the Wyoming State Bar for disciplinary purposes; ; ~~and~~

~~(vii)~~ (7) Neither asks for nor receives any compensation of any kind, other than authorized nominal reimbursements from the Wyoming State Bar, for the pro bono legal services to be rendered hereunder.

~~(viii)~~ (8) ~~Emeritus attorneys shall~~ Shall be subject to the following ~~Rules and Regulations~~ rules and regulations:

~~(A)~~ (i) ~~Activities:~~ An emeritus attorney may ~~perform the following activities:~~

~~(1)~~ (a) ~~The emeritus attorney may appear~~ Appear in any Wyoming court or administrative tribunal or before arbitrators or mediators on behalf of a pro bono client or a Wyoming legal assistance organization, if the person on whose behalf the emeritus attorney is appearing has consented in writing to that appearance. The written consent shall be filed with the clerk of the court in which the matter is pending with a copy to the judge assigned the case. If the matter has not been filed, the written consent shall be brought to the attention of the presiding officer of the administrative tribunal, the arbitrator, or the mediator.

~~(2)~~ (b) ~~The emeritus attorney may prepare~~ Prepare pleadings and other documents to be filed in any Wyoming court or before any administrative tribunal or arbitrator or mediator in any pro bono matter in which the emeritus attorney is involved.

~~(3)~~ (c) ~~The emeritus attorney may render~~ Render pro bono legal advice and related legal services.

~~(B)~~ (ii) Application and acceptance in the ~~Emeritus Program:~~ emeritus program.

~~(1)~~ (a) Any attorney may apply for ~~Emeritus Status if he/she qualifies under the requirements of the Bylaws of the Wyoming State Bar~~ qualified member may apply for emeritus status.

~~(2)~~ (b) Upon receipt of the application, the Wyoming State Bar will consider the attorney's member's qualifications and determine if he/she will be accepted into the program. The decision of the ~~bar~~ Wyoming State Bar is final and not subject to review by any entity.

~~(C)~~ (iii) Certification: Permission for an emeritus attorney to perform services under this Program program shall become effective upon approval of emeritus status by the Wyoming State Bar and filing with the ~~Clerk~~ clerk of the Wyoming Supreme Court of:

~~(1)~~ (a) A certification by the Wyoming State Bar that the attorney is in good standing, meets the qualifications of the ~~Emeritus Program~~ emeritus program of the Wyoming State Bar and has been further approved by the Wyoming State Bar ~~pursuant to section (a)(7)(vii)(B) above~~.

~~(2)~~ A ~~certificate certifying that the attorney is in good standing; and~~

~~(3)~~ (b) A sworn statement by the attorney that he or she:

~~(a)~~ (1) Has read and is familiar with the Wyoming Rules of Professional Conduct, will abide by the provisions thereof, and agrees to be subject to the jurisdiction of the Wyoming Supreme Court and its disciplinary process;

~~(b)~~ (2) Agrees to comply with all orders, rules and regulations of any court, tribunal, or hearing officer in which the attorney appears and to be subject to whatever discipline or orders a court may enter if the attorney does not comply;

~~(c)~~ (3) Agrees to, at a minimum, accept coverage of malpractice insurance as provided by the ~~Emeritus Program~~ emeritus program; and

~~(d)~~ (4) Will neither ask for nor receive compensation of any kind, except for nominal reimbursements authorized by the Wyoming State Bar, for the pro bono legal services authorized hereunder.

~~(D)~~ (iv) Withdrawal of Certification: Permission to perform services under this provision shall cease immediately upon the filing with the Clerk of the Wyoming Supreme Court of:

~~(1)~~ (a) A notice from the Wyoming State Bar stating that:

~~(a)~~ (1) The emeritus attorney has withdrawn from the ~~Emeritus~~ emeritus program, which notice must be filed within five days after such withdrawal; or

~~(b)~~ (2) ~~That the~~ The certification of such attorney is withdrawn by the Wyoming State Bar. The ~~bar~~ Wyoming State Bar may withdraw certification at any time and for any reason. It is not necessary that the notice state the reason for such withdrawal. A copy of the notice filed with the clerk of court shall be mailed by the Wyoming State Bar to the emeritus attorney concerned; or

~~(2)~~ (b) An order of the Wyoming Supreme Court, filed at any time and for any reason, stating that permission for that emeritus attorney to perform services under this Program program is revoked. A copy of such ~~notice~~ order shall be mailed to the emeritus attorney and to the Wyoming State Bar.

(8) To return to active status must (i) within 36 months of being placed on emeritus, file a written request with the executive director to be placed on active status, and (ii) satisfy the requirements of an active member for the calendar year in which the request is made. If an emeritus attorney fails to return to active status as previously provided, he/she may only return to active status through admission by examination to the Wyoming State Bar in accordance with the Rules and Procedures Governing Admission to the Practice of Law.

(i) Incapacitated:

(1) Has been determined to be incapacitated pursuant to subsections (5) or (6) below.

(2) Pays the same license fee as inactive members.

(3) Is not required to complete any CLE.

(4) Must seek reinstatement to active status in the Wyoming State Bar pursuant to subsection (11) below within 36 months of being placed on incapacitated status, or said attorney's membership will be terminated by order of the Wyoming Supreme Court.

~~(b)~~ (5) Any Wyoming State Bar member claiming that he or she should be transferred to incapacitated status shall file a petition so requesting with the Board of Professional Responsibility with a copy served on ~~Bar Counsel~~ bar counsel. The petition should include all pertinent information, documentation and evidence which supports the member's request and a certification by the member that there are no disciplinary investigations or matters pending against him or her. Within fifteen (15) days of service of the petition, ~~Bar Counsel~~ bar counsel shall file a response with the Board of Professional Responsibility, certifying that there are no disciplinary investigations or matters pending against the member and may file any other response to the petition. A copy of the response shall be served on the member. Thereafter, all proceedings and any hearing will be conducted in the same manner as disciplinary proceedings under the procedural rules of the Disciplinary Code.

~~(c)~~ (6) Upon receipt of information from any source presenting prima facie evidence that an active member of the Wyoming State Bar is incapable of continuing the practice of law by reason of mental, physical or emotional infirmity or illness, including substance abuse and dementia, ~~Bar Counsel~~ bar counsel may initiate an investigation of the matter. Such investigation may include requiring the member to furnish written authorizations for medical, psychological, or psychiatric records as may be relevant to the investigation and to submit to an examination by qualified medical experts. If the member refuses to furnish such authorizations, such refusal shall be grounds for ~~Bar Counsel~~ bar counsel to file and the Wyoming Supreme Court to grant a petition for interim suspension pursuant to ~~Section 17~~ of the Disciplinary Code.

~~(1)~~ (i) If, after such investigation, ~~Bar Counsel~~ bar counsel determines that there is clear and convincing evidence that the attorney is incapacitated as provided by this rule, then ~~Bar Counsel~~ bar counsel shall prepare a petition seeking incapacitated status. Thereafter, all proceedings and any hearing will be conducted in the same manner as disciplinary proceedings under the procedural rules of the Disciplinary Code.

~~(2)~~ (ii) Proceedings under this ~~Section~~ subsection are not disciplinary proceedings.

~~(d)~~ (7) All attorneys and courts have an affirmative duty to notify ~~Bar Counsel~~ bar counsel of his/her knowledge that an active member has been ~~(1 i)~~ judicially or medically declared to be incapable of managing his or her affairs, ~~(2 ii)~~ committed involuntarily to a medical facility for drug dependency, mental illness, or substance abuse, ~~(3 iii)~~ found not guilty by reason of mental infirmity, illness or deficiency in a criminal proceeding, ~~(4 iv)~~ found incapable of assisting in his or her own defense in a criminal action, ~~(5 v)~~ has had a guardian (but not a limited guardian) appointed for his or her person or estate on a finding of incompetence, or ~~(6 vi)~~ found to be mentally incapable of conducting the practice of law in another jurisdiction.

~~(e)~~ (8) No pending disciplinary proceeding against an attorney shall be stayed when the attorney is placed on incapacitated status unless the BPR Board of Professional Responsibility or the Wyoming Supreme Court, upon motion, additionally finds that attorney is incapable of assisting counsel in his or her own defense in such proceeding.

~~(f)~~ (9) If, during the course of a disciplinary proceeding, the respondent contends that he or she is incapacitated by reason of mental, physical or emotional infirmity or illness, including substance abuse or dementia, which makes it impossible for the respondent to adequately defend himself or herself, the Wyoming Supreme Court, upon petition from the BPR Board of

Professional Responsibility, shall enter an order immediately suspending respondent's license to practice law until a determination is made on the respondent's incapacitation.

~~(g)~~ (10) An attorney placed on incapacitated status shall not engage in the practice of law until reinstated to active status in accordance with the provisions of ~~Section 3(h)~~ subsection (11) below. Such attorney must comply with the duties of disbarred or suspended attorneys as set forth in ~~Section 22~~ of the Disciplinary Code.

~~(h)~~ (11) An attorney placed on incapacitated status under the provisions of this rule shall be entitled to apply for reinstatement to active status no more often than once in any twelve month period, or at such shorter intervals as the Wyoming Supreme Court may direct in the order placing the attorney on incapacitated status. A five-hundred dollar (\$500.00) fee payable to the Wyoming State Bar shall accompany any reinstatement application. Said fee may be waived in the sole discretion of the executive director for good cause shown. Thereafter, all proceedings and any hearing will be conducted pursuant to ~~Section 24~~ of the Disciplinary Code.

~~(1)~~ (i) The filing of an application for reinstatement by an attorney placed on incapacitated status shall be deemed to constitute a waiver of any privilege with respect to any health care treatment of the attorney during the period of incapacity. The attorney shall be required to disclose the name and address of every psychiatrist, psychologist, physician, or other health care professional, and any hospital or other health care facility or provider by whom or in which the attorney has been examined or treated since the transfer to incapacitated status. The attorney shall execute and deliver to ~~Bar Counsel~~ bar counsel a written authorization waiving all applicable physical and mental health care privileges, and giving ~~Bar Counsel~~ bar counsel unrestricted access to all psychiatric, psychological, medical, hospital, and other health care information concerning the attorney.

~~(2)~~ (ii) The burden of proof in any reinstatement proceeding shall be on the attorney to prove by clear and convincing evidence that the attorney's incapacitation has been removed and that the attorney is fit to resume the practice of law.

~~(3)~~ (iii) In its discretion, the Wyoming Supreme Court may direct that the attorney shall pay the expense of any examination, investigation or hearing, together with costs.

Section 4. Annual license fee.

(a) There shall be annual ~~dues~~ license fees and late fees in such amounts as shall be determined by the Board of Officers and Commissioners. ~~There shall be late fees in such amounts as shall be determined by the Board of Commissioners.~~ Any changes in the annual dues license fees or the late fees for the following fiscal year shall be fixed by the Board of Officers and Commissioners by no later than August 15, with notice to and approval by the ~~supreme court~~ Wyoming Supreme Court. The Board of Officers and Commissioners may reduce the annual license fees of members who ~~have been admitted to practice for less than five (5) years in any jurisdiction, or who do not actively engage in the practice of law in Wyoming hold new active, inactive, or incapacitated status.~~ There shall be no annual license fee for honorary, honorary retired, emeritus, or retired members.

(b) During the first week of October of each year, the executive director shall send a ~~written~~ statement for the annual license fee and a change of information reporting form consistent with Article I, Section 2 to each member of the Wyoming State Bar. The annual license fee is due November 30 and delinquent December 1. When a person is first admitted to practice law in Wyoming, payment of the annual license fee shall be due 30 days after the date of admission. If a

person is admitted after April 1, the license fee for the current year shall be reduced by half and shall be due 30 days after the date of admission. Failure to pay the license fee in a timely manner will result in the executive director sending a notice of delinquency and notice of late fee to such new member.

(c) If any member is in default for the payment of the annual license fee on December 1, the ~~Executive Director~~ 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~~ executive director shall certify to the Wyoming Supreme Court the name of such member. The ~~chief justice of the supreme court~~ 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 should be mailed by certified mail, with return receipt requested, to the attorney's address on file with the Wyoming State Bar. The order may be mailed by the office of the Wyoming State Bar so long as it bears an appropriate date ~~and signature of the chief justice~~ and proper response is directed to the ~~supreme court~~ Wyoming Supreme Court. A member's original response to the order to show cause, along with six copies, shall be filed with the Wyoming Supreme Court. A copy of the response shall also be provided to the ~~Executive Director~~ executive director. If 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 ~~supreme court~~ Wyoming Supreme Court; provided that if it is determined 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 ~~supreme court~~ Wyoming Supreme Court.

(d) Within 15 days of the date of an order of suspension, the suspended attorney shall notify the following persons by registered or certified mail, return receipt requested, of the attorney's suspension and the attorney's consequent inability to act as an attorney after the effective date of the suspension:

(1) All clients in pending matters. The attorney shall advise clients to seek legal advice elsewhere and to obtain another attorney for litigated matters or administrative proceedings.

(2) Any co-counsel who is involved in litigated matters or administrative proceedings.

(3) The attorney for each adverse party or, in the absence of such counsel, the adverse party or parties in litigated matters or administrative proceedings. The notice to parties shall state the place of residence of the client of the suspended attorney.

(4) All courts or administrative bodies in which the attorney has matters pending.

(e) If an attorney has not filed a petition for reinstatement within six (6) months from the date of the order, the attorney shall within 15 days deliver to all present and former clients all client files.

(f) A suspended attorney shall notify ~~the clients~~ of all deadlines and scheduled court dates.

(g) A suspended attorney, after entry of the suspension order, shall not accept any new legal matters. During the period from the entry date of the order to its effective date, the attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

(h) A suspended attorney shall return any unearned fees.

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

- (j) A suspended attorney shall maintain records of the steps taken to comply with this rule.
- (k) The provisions of this section are deemed to be incorporated into all orders of suspension. Failure to comply with any requirement of this section is punishable as contempt.
- (l) Suspension under this section shall not be considered as a disciplinary infraction.
- (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 ~~provided to the Executive Director~~ executive director. 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 attorney on the ~~client's~~ clients' security 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~~ executive director may be filed within 20 days of the date of service of the petition for reinstatement.
- (n) If an attorney who is suspended from the practice of law for non-payment of the annual license fee~~(s)~~ 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 ~~Sections II and IV~~ of the Wyoming Rules and Procedures Governing Admission to the Practice of Law.
- ~~(o) [Withdrawal from membership – modified and moved to its own Section 5 below] Any person having been admitted to the Wyoming State Bar who desires to withdraw therefrom shall file a written application to the Bar. The application shall be reviewed by the Executive Director of the Bar, in consultation with Bar staff, who shall then make a recommendation for action on the request by the Supreme Court. The Supreme Court may then enter such order as it deems appropriate. According to the terms of the order allowing withdrawal by the Supreme Court, the person shall cease to be a member of the Wyoming State Bar by removal of that person's name from the membership register. A member who has been suspended for failure to pay license fees or complete the required continuing legal education may not withdraw without petitioning for reinstatement, pursuant to Article I, § 4(d) of the Bylaws of the Wyoming State Bar and Rule 12 of the Rules of the Wyoming State Board of Continuing Legal Education. 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 in good standing until the member is reinstated. For purposes of this section, "in good standing" means; all past and current license fees and any late charges are paid in full; all past and current annual fees for continuing legal education are paid; the attorney is current on all mandatory legal education requirements; and there have been no claims or awards made in regard to the attorney on the client security fund for which the fund has not been reimbursed.~~
- ~~(p)~~ (o) Members who change their status during the course of a fiscal year may not receive a refund for the difference in the annual license fees if the annual license fee for the new status is less, but shall pay any applicable increase in the annual license fee for the new status.

Section 5. 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 by 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. A member who has been suspended for failure to pay license fees or complete the required continuing legal education may not withdraw without petitioning for reinstatement, pursuant to these bylaws and the Rules of the Wyoming State Board of Continuing Legal Education, 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.

ARTICLE II. OFFICERS

Section 1. Titles; terms; qualifications; elections.

(a) The officers of the Wyoming State Bar shall be a president, a president-elect, a vice-president, and a ~~secretary~~-treasurer. The president and the president-elect shall not be from the same ~~state bar~~ judicial district. Only active members in good standing of the Wyoming State Bar residing and practicing law in Wyoming shall be eligible to serve as officers of the ~~association~~; ~~only active members in good standing may vote in any election for officers, American Bar Association delegate, or Judicial Nominating Commission members~~ Wyoming State Bar. The term of office of the president, president-elect, ~~and vice-president and treasurer~~ shall be one year. ~~The term of each office shall run until the qualification of his or her successor.~~

(b) The president-elect shall at the expiration of the term as president-elect succeed to the presidency of the State Bar.

(c) Nominations for the offices of president-elect, vice-president and treasurer shall be taken and elections shall be conducted as provided in Article VII. ~~Any active member who is a resident of Wyoming and practices law in this state may be nominated as a candidate for president elect, vice president or secretary treasurer by a nomination signed by at least two active resident members in good standing. Notice of election and procedure for nomination and voting under this rule will be published in advance of the close of nominations in the Wyoming Lawyer.~~

~~-(d) Nominations must be filed with the Wyoming State Bar by July 1. If the filing deadline is on a Saturday, Sunday or holiday, the filing deadline will be the next business day. If no member is nominated as president elect, vice president or secretary treasurer, the Board of Officers and Commissioners will nominate one or more qualified candidates for each office at least 40 days before the date of the annual business meeting.~~

~~-(e) At least 30 days before the date of the annual business meeting, a ballot will be distributed to all active members in good standing. Members may vote electronically or by mail up to 10 days prior to the annual business meeting. Any member whose ballot has not been timely received may vote at the annual convention during regular business hours. The Candidate receiving the greatest number of votes will be elected.~~

Section 2. Duties.

(a) *President.* - The president shall be the chief executive officer of the ~~association~~ Wyoming State Bar, a member of the Executive Committee and a member-at-large of the Board of Officers and Commissioners. The president shall preside at all meetings of the ~~association and of the Executive Committee, the Board of Officers and Commissioners, and the Wyoming State Bar.~~ Additionally, this officer shall make the appointments to, ~~and designate the chairpersons of,~~ all standing committees; create and appoint special committees; and be a member, ex-officio, of every committee.

(b) *President-elect.* - The president-elect shall be a member-at-large of the Board of Officers and Commissioners and a member of the Executive Committee; and perform all other duties assigned by the president or Board of Officers and Commissioners. The president-elect shall temporarily perform ~~the~~ the duties of the president in the event of ~~temporary absence or disability of the president~~ the president's absence, disability or death. ~~In the event of the death, disqualification or permanent disability of the president elected, this officer shall temporarily serve until replaced in that function as provided hereafter in these by laws.~~

(c) *Vice-president.* - The vice-president shall be a member-at-large of the Board of Officers and Commissioners and a member of the Executive Committee; and shall perform all other duties assigned by the president or Board of Officers and Commissioners.

(d) ~~Secretary-treasurer~~ *Treasurer.* - The ~~secretary-treasurer~~ shall be a member-at-large of the Board of Officers and Commissioners and a member of the Executive Committee. ~~In this office,~~ The ~~secretary-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 ~~June~~ July 30, and circulated as soon thereafter as practicable among the Board of Officers and Commissioners. The ~~secretary-treasurer~~ shall advise the ~~Executive Director~~ executive director and the administrative staff of the Wyoming State Bar about procedures for:

- ~~(i) Maintenance of proper minutes and records;~~
- ~~(ii) Maintenance of correct membership files and mailing lists;~~
- ~~(iii)~~ (i) The methods and procedures used in the receipt, collection and safekeeping of all funds of the Wyoming State Bar; and
- ~~(iv)~~ (ii) The procedures for disbursement and audit of such funds; ~~and,~~
- ~~(v) The general operation of the headquarters office.~~

Section 3. Compensation.

The officers of the ~~association~~ Wyoming State Bar shall receive no compensation for their services, but shall receive reimbursement of actual expenses as may be authorized and approved by the Board of Officers and Commissioners.

Section 4. Commencement of term of office.

The terms of all outgoing officers of the ~~association~~ Wyoming State Bar shall end and the terms of their successors shall commence at the conclusion of the annual meeting.

ARTICLE III. BOARD OF OFFICERS AND COMMISSIONERS

Section 1. Composition.

The affairs of the ~~association~~ Wyoming State Bar shall be managed and directed by the Board of Officers and Commissioners consisting of the four (4) officers ~~of the association~~ and the immediate past president ~~of the association~~, all of whom shall be members-at-large of the Board of Officers and Commissioners, and nine (9) ~~members from the State Bar districts hereinafter designated~~ 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 ~~elected members~~ the commissioners, except the immediate past president is a nonvoting member.

Section 2. State-bar-districts Commissioners.

~~For the purposes of conducting elections of the members of the Board of Commissioners, the state is divided into the following State Bar districts (which is the same as the judicial districts now established), with members of the Board to~~ One (1) commissioner shall be elected from each judicial district by the active resident members of the bar members who reside in such judicial district. Each district shall elect one (1) commissioner.

<u>State Bar Judicial District</u>	<u>Counties in District</u>
First	Laramie
Second	Albany, Carbon
Third	Sweetwater, Uinta, Lincoln
Fourth	Johnson, Sheridan
Fifth	Bighorn <u>Big Horn</u> , Hot Springs, Park, Washakie
Sixth	Campbell, Crook, Weston
Seventh	Natrona
Eighth	Converse, Goshen, Niobrara, Platte
Ninth	Fremont, Sublette, Teton

Section 3. Terms; qualifications; nominations; election Terms, qualifications, nominations and elections of commissioners.

(a) The term of office of each ~~elected member of the Board of Commissioners~~ commissioner shall be three years. ~~, except that commissioners from the First, Fourth and Ninth State Bar Districts chosen in the first election under these by laws shall serve only one year; and the commissioners from the Third, Seventh and Eighth State Bar Districts chosen in the first election under these by laws shall serve only two years.~~ No person shall be allowed to serve more than two consecutive three-year terms. The ~~terms term~~ of office of ~~commissioners~~ each commissioner shall commence at the conclusion of the annual meeting of the ~~association next following their Wyoming State Bar which immediately follows that commissioner's election.~~ No person shall be eligible to vote in a district for commissioner or to serve on the Board of Officers and Commissioners from a district unless the voter is an active member of the association; provided, that the voter's primary office for the practice of law is in the district or the voter resides within the district. A voter may vote in only one district for a three-year term. The eligibility of any person to serve as a ~~member of the Board of Commissioners~~ commissioner from any ~~State Bar judicial~~ district shall be contingent upon both maintenance of an active practice of law and actual

residence in that area judicial district. ~~The first election held under this rule shall be held in 1989, and all state bar districts shall hold elections.~~

(b) Nominations for commissioners shall be taken and elections shall be conducted as provided in Article VII. ~~Elections for the office of district bar commissioner shall be held at the State Bar district meetings required to be held annually under Article III, Section 4(b) of these by-laws. Nominations of each candidate to be elected to the Board of Officers and Commissioners shall be by nomination signed by at least two (2) active members residing in the candidate's district. Nominations shall be filed with or mailed to the sitting commissioner for that district at least thirty (30) days before the election date. If a person eligible to vote in an election for commissioner is unable to attend the State Bar district meeting and vote in the election, that person may request an absentee ballot from the sitting commissioner at least fifteen (15) days before the election date. Absentee ballots must be received by the sitting commissioner prior to the election. Nominations for commissioner shall also be accepted from the floor on the day of the election. Advance notice of the election call and procedure for voting will be published in the Wyoming Lawyer.~~

Section 4. Duties.

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

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

(ii) 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) Engage and define the duties of salaried employees and fix their compensation;

(iv) Arrange for publication of ~~an official State Bar bulletin or journal~~ the Wyoming Lawyer, the official magazine of the Wyoming State Bar;

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

(vi) Fill vacancies however arising in the membership of the Board of Officers and Commissioners, or in the American Bar Association delegate, or in any office which may be vacant, ~~including the office of president filled temporarily by the president elect~~, 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) Adopt ~~regulations policies and procedures not inconsistent~~ consistent with the ~~association's rules and these by-laws~~, for the orderly administration of the ~~association's~~ Wyoming State Bar's affairs and activities.

(b) Each commissioner shall annually hold a State Bar district meeting within sixty (60) days prior to the date of the annual meeting and shall regularly inform constituents regarding Wyoming State Bar matters.

Section 5. Meetings.

(a) There shall be a regular meeting of the Board of Officers and Commissioners in each year at the time of the annual meeting of members of the Wyoming State Bar.

(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 signed by five (5) members of the Board of Officers and Commissioners. 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~~ executive director by mail, email or telephone at least five (5) days before the meeting. 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 mail, email or telephone vote.

(c) A majority of the Board of Officers and Commissioners shall constitute a quorum. ~~Each officer or commissioner who fails to attend two (2) successive meetings of the Board of Commissioners without good cause shall forfeit their office and the vacancy shall be filled by the remaining members of the Board. Good cause shall be determined by the Board.~~

(d) A summary of the minutes of each meeting or of any mail, email or telephone action of the Board of Officers and Commissioners ~~shall be printed in the State Bar bulletin or journal with a notation that any interested person may obtain a copy of the minutes on request to the Executive Director~~ may be published on the Wyoming State Bar's website. A full copy of minutes shall be provided by the executive director upon a member's request.

Section 6. Compensation.

The members of the Board of Officers and Commissioners shall receive no compensation for services to the ~~association~~ Wyoming State Bar, but they may authorize and approve for themselves, ~~bar office~~ Wyoming State Bar employees and members of the boards and committees, reimbursement of reasonable and necessary expenses incurred in the performance of duties for the Wyoming State Bar Association.

ARTICLE IV. EXECUTIVE COMMITTEE

Section 1. Members.

There shall be an Executive Committee consisting of the president, president-elect, vice-president and ~~secretary-treasurer~~.

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. 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 ~~written~~ demand of at least two (2) of its members. All members shall be given at least forty-eight-hours notice by mail, email or telephone, of a time and place 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 DELEGATE

Any active member who is a resident of Wyoming, ~~and~~ maintains an office for the practice of law in this state ~~and is a member of the American Bar Association~~ may ~~serve as be~~ nominated as a candidate for 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. by nomination signed by at least two active resident members of the bar. Nominations shall be taken and elections shall be conducted as provided in Article VII. filed with the Wyoming State Bar by 5:00 p.m. on any regular business day at least 45 days before the election date, which shall be the date of the annual business meeting of the Wyoming State Bar. In the event that no member shall be nominated as delegate, the Board of Officers and Commissioners shall nominate one or more qualified candidates for such office at least 40 days before the date of the annual business meeting. Election of the delegate shall be conducted in the same manner as provided for the election of officers. The candidate receiving the greatest number of votes cast shall be elected. Notice of the election, and voting under this rule will be published prior thereto in The Wyoming Lawyer.

ARTICLE VI. JUDICIAL NOMINATING COMMISSION MEMBERS

(a) Any active member who is a resident of Wyoming and maintains an office for the practice of law in this state and is otherwise qualified pursuant to Wyo. Const. Art. 5, § 4 and W.S. 5-1-102 may serve on ~~be nominated as a candidate for~~ the Judicial Nominating Commission. Nominations shall be taken and elections shall be conducted as provided in Article VII. by nomination signed by at least two active resident members. Nominations shall be filed with the Wyoming State Bar by 5:00 p.m. on any regular business day at least 45 days before the election date which shall be the date of the annual business meeting of the Wyoming State Bar for the regular election and a date set by the Board of Officers and Commissioners for any special election. In the event that no member shall be nominated as commission member, the Board of Officers and Commissioners shall nominate one or more qualified candidates for such office at least 40 days before the date of the annual business meeting. Election of commission members shall be conducted in the same manner as provided for the election of officers. If a person eligible to vote in an election for commission member is unable to attend the annual meeting and vote in the election, that person may request an absentee ballot from the Executive Director of the Wyoming State Bar at least 15 days before the election date. Absentee ballots must be received by the Executive Director at the offices of the association least ten (10) days prior to the

~~election. The candidate receiving the greatest number of votes cast shall be elected. Notice of election and voting under this rule will be published prior thereto in the Wyoming Lawyer.~~

~~(b) Vacancies in the Judicial Nominating Commission shall be filled by special election. Special elections may be conducted by written ballot mailed by first class United States mail at least 15 days before the date of the election to every active resident member. The president shall appoint three resident members engaged in active practice to count the ballots on the day of the election. The person receiving the plurality of the votes cast shall be deemed elected. In the event an election is held to fill an incomplete term, the person elected shall serve the unexpired term of the person who created the vacancy. The term of office of each member of the Judicial Nominating Commission shall be four (4) years.~~

~~(c) No more than two members of the Judicial Nominating Commission who are residents of the same judicial district may qualify to serve any term or part of a term on the commission.~~

~~(d) No member of the Judicial Nominating Commission excepting the chairman shall hold any federal, state or county public office or any political party office, and after serving a full term or part of a term shall not be eligible for re-election or reappointment to any judicial office while they are a member of the commission nor for a period of one year after the expiration of their term for which they are elected or appointed.~~

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) Nominations must be signed by at least two active, resident members and submitted to the executive director on or before July 1 of the year in which the vacancy falls. Nominations for commissioners must be signed by at least two active members who reside or maintain a practice within the applicable judicial district.

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

(vi) The candidate receiving the most votes for a given vacancy shall fill the vacancy for the following term.

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

(b) Vacancies which arise other than by the expiration of the applicable term shall be filled by a qualified member selected by the Board of Officers and Commissioners, said selection to occur

within 30 days of the vacancy. The member so selected shall complete the applicable term and may stand for re-election should he or she be nominated.

ARTICLE ~~VII~~ VIII. EXECUTIVE DIRECTOR

There shall be an ~~Executive Director~~ 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~~ 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. The ~~Executive Director upon entering upon duties of the office shall give a surety bond to the Wyoming State Bar for the faithful performance of his or her duties, which bond must be approved by the president.~~ Subject to the general control of the ~~officers~~, Executive Committee, and Board of Officers and Commissioners, and as appropriate and consistent with the requirements of these by-laws, the ~~Executive Director~~ executive director shall:

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

ARTICLE ~~VII~~ IX. MEETINGS

Section 1. Annual business meeting.

There shall be an annual ~~convention of members during which the annual business meeting will be held.~~ The annual ~~convention and~~ business meeting of the ~~members of the~~ Wyoming State Bar which shall be held at such time and place as is designated by the president with the advice of the Board of Officers and Commissioners. The executive director shall provide at least sixty (60) days notice to the members of the time and place of the annual business meeting. At the annual business meeting any member shall have an opportunity to confer with the Board of Officers and Commissioners and present any complaint or suggestion for the improvement of the Wyoming State Bar. Members wishing to have resolutions considered by the membership must submit such resolutions to the executive director thirty (30) days prior to the annual business meeting.

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.

Section 3. Notice.

~~At least fifteen days written notice shall be given for all special meetings of the Wyoming State Bar and at least thirty days notice shall be given for the annual meeting of the Wyoming State Bar.~~

Section 4. Conference of members, officers and Executive Committee.

~~At each annual meeting the officers and Executive Committee shall include in the printed program a time and place at which any member of the State Bar shall have an opportunity to confer with the officers and the Executive Committee and present any complaint or suggestions for the improvement of the State Bar. The time and place for such conference shall be at the Annual Business Meeting. Members wishing to have resolutions considered by the membership must file or mail any resolutions with the Executive Director of the Wyoming State Bar thirty (30) days prior to the Annual Business Meeting.~~

ARTICLE ~~IX~~ X. STANDING BOARDS AND COMMITTEES

Section 1. Appointment ~~and removal~~.

(a) *Term.*— The members of each standing board or standing committee shall be appointed as hereinafter set forth for a term of three (3) years, so arranged that the term of office of only one-third (1/3) of the members of such board or committee shall expire in any year; provided, however, that no person ~~appointed after October 1, 1988~~ shall be permitted to serve on any of said boards or committees for more than two (2) consecutive terms. A vacancy in any board or committee shall be filled as hereinafter provided, and members of each committee or board shall serve until the appointment of their respective successors.

(b) *Removal for nonattendance.*— ~~After two (2) consecutive unexcused absences from meetings of any board or committee, the chairman of the board or committee shall report absences to the president. The president may give notice of removal from the board or committee to the delinquent member, and a replacement for the balance of the term of the office shall be elected or appointed as is otherwise provided. Appointments to standing boards shall be made by order of the Wyoming Supreme Court, with the advice and recommendation of the president of the Wyoming State Bar. Appointments to standing committees shall be made by the president of the Wyoming State Bar.~~

Section 2. Quorum; powers and duties.

A majority of the members of any board ~~and~~ or committee shall constitute a quorum for the transaction of business. ~~Each board and committee shall keep a record of its meetings and~~

~~proceedings and shall submit an annual report to the Board of Commissioners. The Board of Officers and Commissioners may assign powers or duties or propose rules and regulations to any standing or special committee. Each of the standing boards and committees shall propose rules and regulations governing its procedure, and thereafter modify or amend such rules as necessary. All rules and regulations shall be submitted to the Board of Commissioners, which may modify or amend and recommend the rules and regulations to the Supreme Court, which shall modify, amend or adopt said rules.~~

Section 3. Standing boards.

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

- (i) ~~State~~ Board of Continuing Legal Education; ~~_~~
- (ii) Board of Professional Responsibility.
- (iii) Board of Law Examiners.

(b) *Appointment.* - The Wyoming Supreme Court, with advice ~~of~~ and recommendation from the president of the Wyoming State Bar, shall appoint all members of each of said boards.

(c) *Vacancies.* - Any vacancy created on any standing board for whatever cause or reason shall be filled by appointment by the Wyoming Supreme Court with advice ~~of~~ and recommendation from the president of the Wyoming State Bar.

Section 4. Standing Committees.

(a) The president of the Wyoming State Bar, with the advice and consent of the Board of Officers and Commissioners, shall appoint, create or dissolve such committees as deemed necessary and proper and designate the chair to serve for a term of one (1) year.

(b) *Vacancies.* - A vacancy on any standing committee shall be filled by appointment by the president of the Wyoming State Bar.

ARTICLE ~~X~~ XI. SECTIONS AND OTHER COMMITTEES

A. Sections.

~~—1. *Purpose.*—Sections exist within the Wyoming State Bar to provide specialized services to the membership which engages in the practice of law in specific areas. The general purpose of a section is the promotion of educational endeavors within the particular field designated by the name of the section. Sections are also designed to assist the membership by creating a forum for the membership to become involved in the overall activities of the bar. Individually, each section fulfills this responsibility differently.~~

~~—Although each section fulfills the responsibility differently, all are guided by the policies of the state bar as promulgated by the Wyoming Board of Bar Commissioners. Continuing legal education for the sections is coordinated through the continuing legal education program of the state bar. With the assistance of the CLE staff, section liaisons and other boards and committees of the bar, quality programming is offered in specialty areas.~~

~~—Membership in a section is voluntary. The Board of Bar Commissioners sets the minimum amount of annual dues for the sections, and enrollment is available each year at~~

~~the time of dues payment. However, any member of the bar who is interested in joining a section may do so any time throughout the year.~~

~~—2. *Formation.*— Sections shall be formed in the following manner:~~

~~a. *Petition.*— Any person desiring to form a section shall present a petition to the board of commissioners containing the following information:~~

~~i. The need for the proposed section.~~

~~ii. The purpose for which the section is being formed and that said purpose is within the purpose of the Wyoming State Bar.~~

~~iii. A copy of the proposed bylaws signed by at least 10 members of the Wyoming State Bar in good standing.~~

~~iv. The amount of dues to be charged to members of the section.~~

~~b. *Appointment.*— The president of the Wyoming State Bar may appoint a section and temporary chairman and notify the board of commissioners.~~

~~c. *Approval by board of commissioners.*— Upon receipt of the completed petition, or notification of appointment, the commissioners shall have the authority to approve or reject the proposed section, or to ask for a change in the amount of dues charged. If approved, an announcement of the formation of the section shall be placed in the next issue of the official publication of the Wyoming State Bar, inviting membership and setting forth the time and place of the organizational meeting of the section, at which time officers shall be elected in accordance with the bylaws of the proposed section.~~

~~—3. *Role of executive director.*— The executive director of the Wyoming State Bar shall be the nonvoting assistant treasurer of the section and shall be responsible for collecting dues, disbursing funds, keeping the books of the section and seeing that the section operates within the rules, policies and procedures of the Wyoming State Bar, including, but not limited to, the expenditure of funds and payments of expenses. All moneys relating to a section shall be held by the Wyoming State Bar and the bar shall be entitled to assess an administrative fee for services rendered to a section. Funds collected belong to the general budget fund of the Wyoming State Bar and shall be subject to the limitations of the Wyoming State Bar.~~

~~—4. *Organizational meeting.*— A minimum of 10 members of the Wyoming State Bar must be present at the organizational meeting for any business to be transacted. After the election of officers, a roster of the officers shall be given to the executive director of the Wyoming State Bar to be placed in the official records of the organization.~~

~~—5. *Section's annual meeting.*— Each section of the Wyoming State Bar shall hold an annual meeting at the same place and during the course of the Annual Meeting of the Wyoming State Bar for the purpose of electing officers and providing an annual report of the section's activities to its members. Any other meetings of the section shall be called pursuant to the provisions of the bylaws of the section.~~

~~—6. *Prohibited conduct.*— No section or member acting on behalf of a section shall:~~

~~a. Assert that it is representing the Wyoming State Bar in any matter without the prior approval of the board of commissioners of the Wyoming State Bar.~~

~~b. Lobby for or against proposed legislation.~~

~~c. File amicus curiae briefs in any pending litigation.~~

~~d. Adopt resolutions in favor or against any legislative issue, pending legal issue or candidate for judicial or political office.~~

~~e. A section may from time to time issue statements, take positions on proposed legislation relative to its field of law in accordance with provisions of its by-laws, and with the~~

~~prior written approval of the board of commissioners of the Wyoming State Bar. The section, or any member acting on its behalf, shall clearly state that such position, statement or proposed legislation does not represent the policy of the Wyoming State Bar, except where the statement, position or proposed legislation has been formally approved or adopted by a vote of the general membership of the Wyoming State Bar at its annual meeting.~~

~~—7. Resolutions.— Any duly constituted section may present resolutions to be voted on by the membership of the Wyoming State Bar at the Annual Meeting of the Wyoming State Bar in the same manner as an individual member.~~

~~—8. Bylaws, bylaw amendments and changes in dues structure.— The bylaws for sections of the Wyoming State Bar must be signed by at least 10 members of the Wyoming State Bar and presented to the board of commissioners for approval prior to the creation of any section. After passage by the section membership, any amendment to the bylaws of a section or any change in the amount of dues must be approved by the board of commissioners of the Wyoming State Bar before becoming effective.~~

~~—9. Minutes and reports.—~~

~~a. Minutes: Minutes shall be kept of all meetings of the section and a copy of the minutes of each such meeting shall be promptly delivered to the executive director of the Wyoming State Bar.~~

~~b. Annual reports: Each section shall, not less than 30 days before the Annual Meeting of the Wyoming State Bar, file with the executive director a concise report summarizing the activities of the current year and anticipated activities of the ensuing year.~~

~~—10. Receipts and disbursements.— Revenues from and expenditures for sections shall be under the general supervision of the board of commissioners' budget acting through the executive director.~~

~~a. Budget requests: On or before the deadline set by the budget committee of the board of commissioners, each section shall submit to the committee its requested budget for the fiscal year commencing October 1. Such request shall be submitted in such form and with such detail as the board of commissioners shall prescribe. Supplemental budget requests shall be made and approval thereof obtained before incurring any expense not included in, or in excess of, the approved annual budget.~~

~~b. Personal liability: Any liability incurred by any committee or section, or member thereof, not in accordance with the policies of the board of commissioners or in conflict with any part of the bylaws of the state bar or the section, shall be the personal liability of the person or persons responsible for incurring or authorizing the same.~~

~~c. Reimbursements: Requests for reimbursements of expenses are subject to the reimbursements policies set by the board of commissioners and must be submitted within 60 days of the date the expense was incurred. Requests submitted after 60 days may be refused. Social functions must have a no-host bar setup, where alcoholic beverages are paid for by each individual.~~

~~—11. Cooperation with other sections and committees.—~~

~~a. General: Cooperation with and respect for other sections and committees is expected. Should conflicts appear in areas of responsibility or in purposes or goals, such conflicts should be promptly called to the attention of the board of commissioners.~~

~~b. Wyoming State Bar Legislative Committee: Full cooperation should be extended by all sections to the legislative committee which is charged by the board of commissioners with overall responsibility for legislative programs and activities.~~

~~e. Continuing Legal Education: Continuing legal education seminars by sections of the Wyoming State Bar must be organized in cooperation with the CLE program of state bar office to avoid duplication of effort, scheduling conflicts, and unreasonable fees or budgeting. All section CLE programs must be open to all members of the Wyoming State Bar and not be limited to members of the section. The registration fee must be uniform for all Wyoming State Bar members.~~

~~—12. Assistance by staff.—The staff of the Wyoming State Bar headed by the executive director is prepared to furnish assistance to any section, specifically including the following:~~

~~a. Providing general information in amplification of policy.~~

~~b. Providing financial statements, paying appropriate reimbursements and section expenses and collecting section dues.~~

~~c. Assisting in obtaining resource materials.~~

~~d. Clarifying and coordinating activities of other sections and committees.~~

~~e. In regard to the foregoing, the following procedures should be strictly adhered to:~~

~~i. Meeting arrangements: If a meeting is to be held at the Wyoming State Bar, a request should be made three weeks in advance to schedule a conference room. If a meeting room at a hotel is involved, a request should be made four to six weeks in advance in order to contract the space. The Wyoming State Bar is the only agent authorized to enter into hotel contracts. Individual section members may not sign hotel contracts obligating the Wyoming State Bar.~~

~~ii. Mailing procedures: The bar office requires one week to 10 days from receipt of section material to ensure mailing of notices by a scheduled deadline. The section will be charged the cost of materials. It is the policy of the Wyoming State Bar that Wyoming State Bar letterhead cannot be used for section mailings.~~

~~—14. [should be 13.] Discontinuance of a section.—The executive director of the Wyoming State Bar shall maintain a current list of the dues paying members of each section. At such time as the membership of the section shall number less than 10, the executive director shall report that fact to the board of commissioners who may direct the section officers to show cause why the section should not be discontinued. In any event, any section which has fewer than 10 dues-paying members for more than six consecutive months shall be automatically discontinued. Upon discontinuance, the Wyoming State Bar shall dispose of all of the assets of the section exclusively for the purpose of the Wyoming State Bar or to such other charitable, educational, religious or scientific purposes as shall at the time qualify as exempt organizations under the Internal Revenue Code.~~

Section 1. Practice sections.

(a) The Board of Officers and Commissioners may establish, consolidate, rearrange and discontinue sections. The Board of Officers and Commissioners, upon application, may establish a section dedicated to a field of law not committed to any other section or withdrawn from an existing section. The Board of Officers and Commissioners may discontinue a section, but only after notice to the members of said section with an opportunity for section members to comment.

(b) An application to the Board of Officers and Commissioners for establishment or amendment of a section must set forth:

(i) The field of law to which the existing or proposed section is to be dedicated;

- (ii) A statement of the need for the proposed section;
- (iii) The proposed bylaws or bylaw amendments for the government of such section; and
- (iv) A list of members who have indicated their intention of applying for membership in the proposed section or a statement by existing members indicating their approval of any consolidation, rearrangement or amendment.
- (c) All members are entitled to enroll in any section upon application and payment of annual dues in such amount as the Board of Officers and Commissioners may determine.
- (d) Each section shall elect from its members a chair and other officers as the section bylaws may provide.
- (e) No change in the bylaws of any section is effective until approved by the Board of Officers and Commissioners.
- (f) No section or member acting on behalf of a section shall:
 - (i) Assert that it is representing the Wyoming State Bar in any matter without the prior approval of the Board of Officers and Commissioners.
 - (ii) Lobby for or against proposed legislation.
 - (iii) File amicus curiae briefs in any pending litigation.
- (g) Upon application by the section chair, the executive director may authorize expenditures of section dues for section-related expenses.

B. Section 2. Other Committees.

Other committees may be established annually, for such duration as may be necessary to effectuate their purposes, as the president, with the advice and consent of the Board of Officers and Commissioners, shall from time to time determine to be ~~necessary to properly carry on the functions of the state bar or to assist special committees of the American Bar Association consistent with the purposes of the Wyoming State Bar. Appointments of the membership of these special committees shall be made by the president unless other provision is made in authenticating resolution or promulgating order.~~

ARTICLE ~~XI~~ XII. CLIENTS' SECURITY FUND ~~AND BOND~~

The Board of Officers and Commissioners shall establish a clients' security fund and provide rules of procedure for its administration. ~~The Board may purchase a clients' security indemnity bond for additional client protection.~~

ARTICLE ~~XII~~ XIII. OFFICIAL PUBLICATION NOTICES TO MEMBERS

(a) ~~The~~ *The Wyoming Lawyer* shall be the publication of the Wyoming State Bar. ~~Except as provided below in this section, all official notices shall be published therein and such publication shall constitute notice to all members. The Wyoming Lawyer shall be mailed to all members at their address of record or if any member shall choose to opt out of receiving a hard copy of The Wyoming Lawyer, such member assumes responsibility for viewing an enhanced digital edition online at www.wyomingbar.org.~~

Official notices and other materials or information, ~~including minutes of Commission meetings, may, at the discretion of the Board of Commissioners, be published by electronic means, such as on the State Bar's website. Such publication shall constitute notice to all~~

~~members when notification of such electronic publication is published in *The Wyoming Lawyer* advising members that printed copies of such materials will be mailed to them when requested may be disseminated to the members using any of the following methods: publication in the *Wyoming Lawyer*; publication in the Wyoming State Bar's e-brief newsletter; publication in a broadcast e-mail to the membership; posting on the website of the Wyoming State Bar; and via United States mail.~~

~~(b) A financial statement showing assets, liabilities, receipts and disbursements of the State Bar shall be published in *The Wyoming Lawyer* as soon as possible after the end of the fiscal year. A copy of the Wyoming State Bar's audited financial statements shall be provided upon a member's request.~~

~~(c) The ~~adopted~~ budget of the Wyoming State Bar shall be published in ~~The~~ *The Wyoming Lawyer* as soon as practicable after ~~the budget is adopted~~ its adoption by the Board of Officers and Commissioners.~~

~~ARTICLE XIII. RULES OF PROFESSIONAL CONDUCT~~

~~The Rules of Professional Conduct set forth from time to time in the court rules volume of the Wyoming Supreme Court rules, as it may be supplemented or modified by the court, shall be the standards governing the practice of law in the state.~~

ARTICLE XIV. FISCAL YEAR

The fiscal year of the Wyoming State Bar shall be October 1 through September 30.

ARTICLE XV. AMENDMENT

~~—(a) These bylaws may be amended or repealed only by order of the Wyoming Supreme Court, or by a majority vote of the Board of Officers and Commissioners with the advice and consent of the Wyoming Supreme Court.~~

~~—(b) The Board of Officers and Commissioners shall review the bylaws every three (3) years, solicit opinions of the members relative to proposed amendments and report to the members present at the annual meeting in that year.~~