

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

**OCTOBER TERM, A.D. 1991**

In the Matter of the Adoption of Rule 7, )  
Rules for Continuing Legal Education of )  
Members of the Wyoming State Bar and )  
the Adoption of the Rules and )  
Regulations Pertaining Thereto )

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

JAN 17 1992

*Jerrill D. Carter*  
JERRILL D. CARTER, CLERK

**ORDER ADOPTING RULE 7, RULES FOR CONTINUING LEGAL EDUCATION OF MEMBERS OF THE WYOMING STATE BAR AND ORDER ADOPTING THE RULES AND REGULATIONS OF THE WYOMING STATE BOARD OF CONTINUING LEGAL EDUCATION**

The Wyoming State Bar, through its Wyoming State Board of Continuing Legal Education, having recommended to the court the adoption of Rule 7, Rules for Continuing Legal Education of Members of the Wyoming State Bar, and the adoption of the Rules and Regulations pertaining thereto and attached hereto; and the court having examined the proposed Rule 7 and Rules and Regulations promulgated by the Wyoming State Board of Continuing Legal Education and deeming the adoption thereof to be advisable; it is therefore

**ORDERED** that Rule 7, Rules for Continuing Legal Education of the Members of the Wyoming State Bar, attached hereto, be, and it is hereby, adopted by the court to be effective 60 days after publication in the advance sheets of the Pacific Reporter; and it is further

**ORDERED** that the Rules and Regulations promulgated by the Wyoming State Board of Continuing Legal Education, attached hereto and made effective December 1, 1991, be, and they are hereby, adopted by the court and shall be published in the advance sheets of the Pacific Reporter, the Wyoming Reporter and in Volume 2A, Wyoming Court Rules; and that Rule 7, Rules for Continuing Legal Education of the Members of the Wyoming State Bar and the Rules and Regulations promulgated by the Wyoming State Board of Continuing Legal Education shall thereupon be spread at length on the journal of the court.

Dated this 17<sup>th</sup> day of January, 1992.

BY THE COURT:

*Walter Urbigkit*  
WALTER URBIGKIT  
CHIEF JUSTICE

## **Rule 7, Rules for Continuing Legal Education of Members of the Wyoming State Bar**

### **Rule 7. Duties of suspended attorneys.**

A. A 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 governmental agency of the attorney's suspension and the attorney's consequent inability to act as an attorney after the effective date of the suspension and shall advise said clients to seek legal advice elsewhere.

B. (1) A suspended attorney shall promptly notify by registered or certified mail, return receipt requested, all 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 matters or proceedings, or, in the absence of such counsel, the adverse party or parties, of the suspension and consequent inability to act as an attorney after the effective date of the suspension. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys.

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

(3) The notice to be given 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 or business address of the client of the suspended attorney.

C. The 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 suspended attorney, after entry of the suspension order, shall not accept any new retainer or engage as an attorney for another client 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, the suspended attorney may wind up and complete on behalf of any client all matters which were pending on the entry date.

E. The suspended attorney shall refund any part of any fees paid in advance that have not been earned.

F. Within 90 days after the effective date of the suspension order, the suspended

attorney shall file with the court an affidavit showing: (1) that the provisions of the order and this rule have been complied with; and (2) that a copy of such affidavit has been timely served upon the committee. Such affidavit shall also set forth the residence or other address of the suspended attorney to which communications may thereafter be directed to the attorney. Failure to file such affidavit or failure to cure the delinquency and be reinstated by the court within 90 days may be grounds for termination of bar membership by the Wyoming Supreme Court. Within 10 days after the close of the 90-day period for notification and failure of the suspended attorney to file such affidavit, the court may issue an order to show cause why the attorney's membership in the Wyoming State Bar shall not be terminated. The order to show cause shall be served upon the suspended attorney and the Board of Professional Responsibility. If the Board of Professional Responsibility does not file a response to the order within 10 days requesting the attorney not be terminated, or if the attorney has not made sufficient answer to the court within 60 days, the court may issue an order terminating membership in the bar.

G. Upon filing an affidavit showing proper notice to clients according to section F1, the suspended attorney will have a period of one year from the date of suspension to cure the delinquency and petition the court for reinstatement. If the suspended attorney has not cured the existing delinquency for CLE credit within one year after the date of the order of suspension, the court may issue an order to show cause why the attorney's membership in the Wyoming State Bar shall not be terminated. The order to show cause shall be served upon the attorney and the Board of Professional Responsibility. If the Board of Professional Responsibility does not file a response to the order within 10 days requesting the attorney not be terminated, or if the attorney has not made sufficient answer to the court within 60 days, the court may issue an order terminating membership in the bar.

H. Upon any such termination under the provisions listed in section F and G above, the bar shall mail a copy of the notice of termination by certified mail, return receipt requested, to the former attorney at the last known address.

I. Termination under sections F and/or G above shall not be considered as a disciplinary infraction and an attorney terminated under the provisions of this rule shall be allowed to seek readmission with the Wyoming Board of Law Examiners without prejudice.

J. A 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 suspended attorney, proof of compliance with these rules and with the suspension order will be available.

**Regulations of the Wyoming State Board  
of Continuing Legal Education**

**Effective: December 1, 1991**

**Section I. Definitions**

For the purposes of these regulations, the following definitions shall apply:

A. An "attorney" shall mean any person licensed to practice law in the State of Wyoming.

B. References in these regulations to various Supreme Court rules refer to the "Rules of the Supreme Court for the continuing legal education of members of the Wyoming State Bar."

C. An "hour" of continuing legal education shall mean 60 minutes spent, after July 1, 1984, by an attorney in actual attendance at or completion of an accredited continuing legal education program, or its equivalent, as from time to time determined by the Board pursuant to Supreme Court Rule 4(d). Credit will be given to the nearest quarter of an hour for hours spent at a seminar.

D. An "accredited sponsor" shall mean an organization or person sponsoring continuing legal education activities which has been accredited by the Board as a sponsor pursuant to Section V hereof or which is listed in Supreme Court Rule 4(b). During the time an organization or person is an accredited sponsor, all the continuing legal education activities of such organization or person, which comply with the requirements of Section IV hereof, shall be deemed automatically accredited.

E. An "accredited program or activity" shall mean a continuing legal education program or its equivalent meeting the standards set forth in Section IV hereof which has received advanced accreditation by the Board pursuant to Section V hereof.

F. The "Board" shall mean the Wyoming State Board of Continuing Legal Education.

G. A "quorum" of the entire Board shall mean five or more members of the Board.

**Section II. General Provisions**

A. The Board shall meet at least once annually, and shall meet at such other times as designated by the Chairman.

B. The Board shall elect a Vice-Chairman from its membership who shall act in the event of the resignation, absence, incapacity, or demise of the Chairman until such times as such absence or incapacity has been removed or the Supreme Court of Wyoming appoints a new Chairman.

### **Section III. Continuing Legal Education Requirement**

A. A minimum of 15 hours of continuing legal education must be completed by each attorney in each calendar year. Provided, however, an attorney shall not be required to comply with this paragraph or comply with the continuing legal education requirements set forth in Supreme Court Rule 3 for the calendar year during which such attorney was admitted to practice.

B. Hours of continuing legal education credit may be obtained by attending or participating in a continuing legal education activity, either previously accredited by the Board or which otherwise meets the requirements herein and is retroactively accredited by the Board pursuant to Section V of the Regulations.

C. Hours completed in any year in excess of the minimum number may be carried forward to satisfy the requirements for either of the two years next following.

D. To obtain CLE credit, an attorney shall submit a written report to the Board, on a form approved by the Board, for each CLE activity for which credit is sought. The report should be submitted within a reasonable time following participation in the activity, but in no event later than January 30, following the calendar year in which the attorney's participation occurred.

1. For CLE activities which have received prior accreditation under Section V.B. hereof, no further substantiating documentation is required than the approved form.

2. For CLE activities conducted by an accredited sponsor, but for which the sponsor has not been advised by the Board of the number of hours of CLE credit to which a participant will be entitled, the attorney's report should be accompanied by the program outline, summary, brochure or other material describing the time devoted to each topic or activity.

3. For CLE activities of non-accredited sponsors which have not received prior accreditation, see Section V.C.

4. Written reports filed with the Board pursuant to this Paragraph D shall be deemed by the Board to be filed in accordance with Supreme Court Rules.

E. The Wyoming State Bar shall maintain a file (which may be a computer record) of the CLE credits which have been accumulated for each attorney. Once each year, as soon after January 30 as is reasonably possible, and upon the request of an attorney, the Wyoming State Bar shall report to each attorney those CLE credits standing to that attorney's name, such credits as may be carried forward into the two years next following that year for which the report to the attorney is made.

#### **Section IV. Standards for Activity Accreditation**

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

1. It constitutes an organized program of learning (including workshop or symposium) which contributes directly to the professional competency of an attorney; and
2. It pertains to legal subjects or other subject matters which integrally relate to the practice of law; and
3. Its purpose is the education of attorneys, even though it may also be directed to the education of others such as legal assistants, accountants, claims personnel, bankers, investigators, expert witnesses and the like; and
4. It is conducted or taught by attorneys, although it may also be conducted or taught in part by individuals who have special education, training and experience by reason of which said individuals should be considered experts concerning the subject matter of the program; and
5. The activity should be accompanied by a paper, manual or written outline which is substantively pertains to the subject matter of the program.

B. Examples. The program's purpose must be the education of attorneys on legal topics. Thus:

1. A joint continuing education program sponsored, for instance, by accountants to which attorneys are invited and at which attorneys lecture on topics of interest to both accountants and attorneys would likely be accredited by the Board, subject, of course, to the Board's review of the specific course outline or program brochure.
2. A meeting of doctors at which one or more attorneys lecture on topics of interest to doctors, such as malpractice, court procedures, giving expert testimony or the like, would not provide CLE credit to attorney lecturers because the program was not

intended for the continuing legal education of attorneys. Attorneys are expected to participate in such programs as a contribution to the community and to their profession. Other similar programs which would not ordinarily qualify for CLE credit would include teaching bar review course or presenting a seminar to records managers on "Law Enforcement Records Liability".

3. Attending a course taught, for instance, by engineers, for engineers, on topics which may be of vital interest to a product liability attorney would not provide CLE credit to the attorney because the program was not intended for the continuing legal education of attorneys. Regardless of how important the technical knowledge may be to the attorney's practice, the Board considers such training and knowledge to be adjunct to that attorneys specialized practice which he has chosen. Other similar programs which would not ordinarily qualify for CLE credit would be attending courses at a real estate school; attending a non-attorney workshop on juvenile delinquency or attending a non-attorney course on federal procurement.

C. Writing, followed by publication, in which the attorney is a named author, of an article in a legal periodical which is a member of the National Conference of Law Reviews, qualifies for CLE credit to a maximum of 15 hours per attorney for any single article. An article published in a legal periodical which is not a member of the National Conference of Law Reviews may, at the discretion of the Board, qualify for CLE credit. Authors of law review articles applying for CLE credit must submit a copy of the article, as published, with the attorney's written report.

D. Voluntary contributions, without compensation other than reimbursement of expenses, to legal newsletters, pamphlets, magazines, newspapers or circulars, consisting of case or statutory summaries or surveys, law updates, synopses and the like may, at the discretion of the Board, be granted one-half the number of hours expended by the attorney in preparation of such contributions, not to exceed seven and one-half hours in any one calendar year. Authors of newspaper or newsletter articles applying for CLE credit must submit a copy of the article, as published, with the attorney's written report.

E. The voluntary presentation of papers, without pay or other compensation other than payment of expenses, to legal societies or associations may, at the discretion of the Board, qualify for CLE credit. Authors of such papers applying for CLE credit must submit a copy of the paper as presented, with the attorney's written report.

F. No activity will be accredited which involves a "for profit" activity such as authoring a book or treatise for a fee or commission or teaching a course for which payment of other than expenses is received. Nor will any activity be accredited which involves only self study, including TV viewing, video or sound recorded programs or correspondence work, except as may be allowed pursuant to Section V.D. hereof.

## **Section V. Accreditation of Sponsors, Programs and Activities**

**A. Accreditation of Sponsors.** An organization or person not listed in Supreme Court Rule 4(b) or not previously accredited by the Board, which desires accreditation as a sponsor of courses, programs, or other legal education activities satisfying the requirements hereunder and under the Rules of the Supreme Court for the continuing legal education of members of the Wyoming State Bar, shall apply for accreditation to the Board stating its legal education history for the preceding two years, including approximate dates, subjects offered, total hours of instruction presented, and the names and qualifications of speakers.

By January 31 of each year, commencing January 31, 1979, all accredited sponsors shall report to the Board in writing the legal education programs conducted during the preceding calendar year on a form approved by the Board.

The Board may at any time reevaluate an accredited sponsor. If after such reevaluation, the Board finds there is basis for consideration of revocation of the accreditation of an accredited sponsor, the Board shall give notice by ordinary mail to that sponsor of a hearing on such possible revocation at least 30 days prior to said hearing. The accreditation of sponsors shall be by action of a quorum of the Board.

**B. Prior Accreditation of Activities.** An organization or person other than an accredited sponsor, which desires prior accreditation of a course, program or other legal education activity, or an attorney who desires to establish accreditation of such activity prior to days in advance of the commencement of the activity on a form provided by the Board. The Board shall approve or deny such application in writing within a reasonable time following receipt of such application. The application shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers and other pertinent misinformation.

**C. Post Accreditation of Activities.** An attorney seeking credit for attendance at or participating in an educational activity which was not conducted by an accredited sponsor and which was not otherwise accredited, shall submit Board the written report required by Section III.D. and shall include a brief resume of the activity, its dates, subjects, instructors and their qualifications, a copy of the program outline, program brochure and other documentation upon which the Board can make a determination as to the qualifications of the program, and the number of credit hours to which the applicant is entitled. Within a reasonable time after receipt of the written report and accompanying materials, the Board shall advise the attorney in writing by ordinary mail that the activity is not accredited or if the number of hours of credit approved is less than requested.

**D. Accreditation of Videotape Viewing.** CLE credit may be given for the viewing of videotape presentations, on the following conditions:

1. The program must meet the standards for activity accreditation contained in Section IV of these regulations.

## **Section VII. Exemptions for Honorary, Inactive and Retired Members of the Wyoming State Bar**

A member of the Wyoming State Bar who is honorary inactive or retired, according to Article I Section 3 of the Bylaws of the Wyoming State Bar is exempt the provisions of Supreme Court Rule 3, and shall not be required to obtain or report continuing legal education credit on a yearly basis.

## **Section VIII. Reinstatement**

A. Honorary, inactive or retired practitioners who have been granted a waiver of compliance with these regulations shall satisfy the following requirements for reinstatement prior to engaging in the practice of law in the State of Wyoming:

1. Submit written application for reinstatement to the Board with the annual report filing fee of \$5.00; and
2. Furnish evidence of the completion, within a period of twelve months prior to said application, the continuing legal education requirement for a single year.

B. Any attorney who has been suspended from the practice of law, and who desires reinstatement shall satisfy the following requirements:

1. Submit written application for reinstatement to the Board with the annual filing fee of \$5.00; and
2. Furnish evidence of the completion, within a period of 12 months prior to said application, the continuing legal education requirement for which suspended as well as that applicable during the period of suspension or such lesser amount as is determined appropriate by the Board, not to exceed a total of 45 hours.
3. Furnish evidence of the following:
  - (a) That the delinquency for which the attorney was suspended (if other than a delinquency in complying with continuing education rules and regulations) has been corrected; and
  - (b) That the attorney has satisfied any special requirements of the order of suspension.

Upon receipt of the foregoing, and good cause shown, the Executive Secretary to the Board, in consultation with the chairman of the Board, shall move the Supreme Court of the State of Wyoming that said attorney be reinstated.

## **Section IX. Committees**

The Board may organize itself into committees of not fewer than three members for the purpose of considering and deciding matters assigned to them.

## **Section X. Hearings**

In the event of denial, in whole or in part, of any application, the attorney shall have the right, within 20 days after the sending of the notification of the denial by ordinary mail to such attorney, to request in writing a hearing before the Board which hearing shall be held within 30 days after receipt of the request for hearing. The decision of the Board after such hearing shall be final subject to the Rules of the Wyoming Supreme Court relating to the practice of law in the State of Wyoming. Any hearing on a revocation of the accreditation of an accredited sponsor, the denial of a hardship application, or a recommendation for disciplinary action under Supreme Court Rule 6, shall be before a quorum of the entire Board.

## **Section XI. Failure to Comply**

In the event an attorney fails to comply with the provisions of Supreme Court Rule 5, or files a report showing on its face failure to complete the required number of accredited hours of continuing legal education, the Board shall obtain the consent of the State Board of Professional Responsibility pursuant to Rule 1 of the Disciplinary Code for the Wyoming State Bar to initiate action pursuant to these regulations. Then the Board shall notify said attorney in writing of such apparent noncompliance and said attorney shall have 15 days from the mailing of said notice to cure said failure to comply or make an appropriate application under Section VI of these regulations. If the failure to comply is not cured or such application not approved, the Board shall report promptly to the Court the failure of the attorney to comply with Supreme Court Rules; such report may be with or without recommendation of the Board for appropriate action by the Court.

## **Section XII. Duties of Suspended Attorneys**

A. A 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 governmental agency of the attorney's suspension and the attorney's consequent inability to act as an attorney after the effective date of the suspension and shall advise said clients to seek legal advice elsewhere.

B. 1. A suspended attorney shall promptly notify by registered or certified mail, return receipt requested, all 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 matters or proceedings, or, in the absence of such counsel, the adverse party or parties, of the suspension and consequent inability to act as an attorney after the effective date of the suspension. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys.

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

3. The notice to be given 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 or business address of the client of the suspended attorney.

C. The 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 suspended attorney, after entry of the suspension order, shall not accept any new retainer or engage as an attorney for another client 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, the suspended attorney may wind up and complete on behalf of any client all matters which were pending on the entry date.

E. The suspended attorney shall refund any part of any fees paid in advance that have not been earned.

F. Within 90 days after the effective date of the suspension order, the suspended attorney shall file with the court an affidavit showing: (1) that the provisions of the order and this rule have been complied with; and (2) that a copy of such affidavit has been timely served upon the committee. Such affidavit shall also set forth the residence or other address of the suspended attorney to which communications may thereafter be directed to the attorney. Failure to file such affidavit or failure to cure the delinquency and be reinstated by the court within 90 days may be grounds for termination of bar membership by the Wyoming Supreme Court. Within 10 days after the close of the 90-day period for notification and failure of the suspended attorney to file such affidavit, the court may issue an order to show cause why the attorney's membership in the Wyoming State Bar shall not be terminated. The order to show cause shall be served upon the suspended attorney and the Board of Professional Responsibility. If the Board of Professional Responsibility does not file a response to the order within 10 days requesting the attorney not be terminated, or if the attorney has not made sufficient answer to the court within 60 days, the court may issue an order terminating membership in the bar.

G. Upon filing an affidavit showing proper notice to clients according to section F1, the suspended attorney will have a period of one year from the date of suspension to cure the delinquency and petition the court for reinstatement. If the suspended attorney has not cured the existing delinquency for CLE credit within one year after the date of the order of suspension, the court may issue an order to show cause why the attorney's membership in the Wyoming State Bar shall not be terminated. The order to show cause shall be served upon the attorney and the Board of Professional Responsibility. If the Board of Professional Responsibility does not file a response to the order within 10 days requesting the attorney not be terminated, or if the attorney has not made sufficient answer to the court within 60 days, the court may issue an order terminating membership in the bar.

H. Upon any such termination under the provisions listed in section F and G above, the bar shall mail a copy of the notice of termination by certified mail, return receipt requested, to the former attorney at the last known address.

I. Termination under sections F and/or G above shall not be considered as a disciplinary infraction and an attorney terminated under the provisions of this rule shall be allowed to seek readmission with the Wyoming Board of Law Examiners without prejudice.

J. A 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 suspended attorney, proof of compliance with these rules and with the suspension order will be available.

### **Section XIII. Fees**

At the time of filing the report required by Supreme Court Rule 5, or if partial reports are filed, upon the filing of the first of such reports, the person filing such report shall pay a fee of \$5.00 to the Wyoming State Board of Continuing Legal Education, which fee shall be deposited in the Board's account and shall be utilized to pay for the costs of CLE administration.

### **Section XIV. Mailing Address for the Board**

The address for the Board shall be the mailing address for the Executive Director of the Wyoming State Bar as the address of that office may be changed from time to time but which presently is Post Office Box 109, Cheyenne, Wyoming 82003-0109. The Executive Director of the Wyoming State Bar serves as Executive Secretary of the Board.

### **Section XV. Expenses**

Pursuant to Supreme Court Rule 8, vouchers for expenses incurred by members of the Board shall be submitted to the Executive Director of the Wyoming State Bar and signed under

penalty of perjury. Mileage shall be at the rate set by the Wyoming State Bar. Other expenses shall be reimbursed at actual cost incurred rates.

These regulations were duly approved and adopted by the Board of Continuing Legal Education of Wyoming on August 7, 1991.

Thomas E. Lubnau, II, Chairman  
Tony Lewis, Executive Secretary