

IN THE SUPREME COURT, STATE OF WYOMING

APRIL TERM, A.D. 2000

In the Matter of the Adoption of Rules)
Governing the Suspension of Members)
of the Wyoming State Bar who are)
Delinquent in Paying Child Support)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

APR - 3 2000


JUDY PACHECO, CLERK

**ORDER ADOPTING RULES GOVERNING THE SUSPENSION
OF MEMBERS OF THE WYOMING STATE BAR WHO
ARE DELINQUENT IN PAYING CHILD SUPPORT**

The Board of Bar Commissioners of the Wyoming State Bar has submitted for this Court's approval Rules Governing the Suspension of Members of the Wyoming State Bar who are Delinquent in Paying Child Support. The Court finds those rules should be adopted; it is therefore

ORDERED that the Rules Governing the Suspension of Members of the Wyoming State Bar who are Delinquent in Paying Child Support, a copy of which is attached hereto, are adopted and those rules shall be published in the advance sheets of the Pacific Reporter and in the Wyoming Reporter. The Rules shall become effective 60 days after their publication in the advance sheets of Pacific Reporter and thereafter shall be spread upon the journal of this Court.

DATED this 3 day of April 2000.

BY THE COURT:



LARRY L. LEHMAN
Chief Justice

[NOTE TO PUBLISHERS: This is a new set of rules which should be placed after page 768 of the Wyoming Court Rules Annotated, 1999 Edition (between the Disciplinary Code and Lawyers' Assistance Committee Rules)]

**RULES GOVERNING THE SUSPENSION OF
MEMBERS OF THE WYOMING STATE BAR
WHO ARE DELINQUENT IN PAYING CHILD SUPPORT**

Rule 1. Obtaining Court Order.

(a) The Department of Family Services of the State of Wyoming, pursuant to W.S. § 20-6-112(a), shall obtain an order from a court of the State of Wyoming which has jurisdiction in matters concerning child support. Any such order must include the following:

(1) A finding that a member of the Wyoming State Bar is in arrears in child support payments in an amount which is the equivalent of at least triple the current monthly child support obligation; and

(2) A finding that there is no good cause for the non-payment; and

(3) A recommendation to the Wyoming Supreme Court that the member's license to practice law be suspended for the above-described arrearages.

(b) The court receiving a request shall act upon the Department of Family Services request for an order promptly, but in any event not later than 60 days after the request is filed with the court.

(c) A lower court's refusal to issue an order requested by the Department of Family Services may be reviewed by the Wyoming Supreme Court in accordance with the Wyoming Rules of Appellate Procedure, Rule 13 and Rule 7.06(d)

Rule 2. Distribution of Order.

The Department of Family Services shall mail by certified mail, return receipt requested, one copy of the order obtained under Rule 1, to each of the following: The Wyoming Supreme Court; the Wyoming State Bar; and, the affected member of the Wyoming State Bar.

Rule 3. Notice from Wyoming State Bar to Bar Member.

In accordance with W.S. § 33-5-113(b), within 10 days of receipt of the above-described order, the Wyoming State Bar shall, by certified mail, return receipt requested, and by regular first class United States mail, postage prepaid, serve the affected member with a copy of the order, together with notice that the order has been forwarded to the Wyoming Supreme Court. Service shall be deemed complete upon mailing to the affected member at the last known address provided on record with the Wyoming State Bar.

Rule 4. Supreme Court to Issue Order to Show Cause.

Upon receipt of the lower court's order, the Wyoming Supreme Court shall, within 10 days, issue to the affected member an order to show cause why the member's license to practice law should not be suspended. This order shall be served by first class United States mail, postage prepaid, at the address provided by the Wyoming State Bar. The affected attorney's response to the order to show cause shall be filed with the Supreme Court not later than 15 days after date of entry of the Supreme Court's order to show cause.

Rule 5. Failure of Bar Member to Show Cause.

If the affected member fails to demonstrate good cause for the child support arrearages set out in the lower court's order, the Wyoming Supreme Court shall suspend the member's license. A member so suspended shall fully comply with all duties of disbarred and suspended attorneys under Rule XX of the Disciplinary Code for the Wyoming State Bar.

Rule 6. Notice to Supreme Court of Payment Plan or Payment of Arrearages.

The Director of the Wyoming Department of Family Services, or an authorized designee of the Director, shall immediately notify the Wyoming Supreme Court, by signed original letter, when the Department has approved a payment plan for an affected member or when the member has made payment in full of the arrearages set out in the lower court's order. A copy of that letter shall also simultaneously be mailed by certified mail, return receipt requested, to the Wyoming State Bar.

Rule 7. Reinstatement of Bar Member.

Upon receipt of the letter described in Rule 6, the Wyoming Supreme Court shall, by order, immediately reinstate the member's license to practice law, unless the Wyoming Supreme Court has in place a separate suspension order for reasons other than nonpayment of child support arrearages.

Rule 8. Rules not to Limit Supreme Court's Authority to Impose Discipline.

Nothing in these rules shall be construed to limit the Wyoming Supreme Court's statutory, rule-making, or inherent powers to discipline members of the Wyoming State Bar, nor shall these rules be construed so as to preclude the Wyoming Supreme Court from effecting rules making repeated non-payment of child support a separate ground for the discipline of members of the Wyoming State Bar.