

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 1997

In the Matter of the Repeal of the Rules
and Procedures Governing the
Admission to the Practice of Law Adopted
by Order Dated October 5, 1992, and
Adopting Revised Rules and Procedures
Governing Admission to the Practice of Law

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IN THE SUPREME COURT
STATE OF WYOMING
FILED

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Judy Pacheco
JUDY PACHECO, CLERK

ORDER REPEALING THE RULES AND PROCEDURES GOVERNING ADMISSION TO THE PRACTICE OF LAW ADOPTED BY ORDER DATED OCTOBER 5, 1992, AND ADOPTING REVISED RULES AND PROCEDURES GOVERNING ADMISSION TO THE PRACTICE OF LAW

The Wyoming Board of Law Examiners recommended the repeal of the RULES AND PROCEDURES GOVERNING ADMISSION TO THE PRACTICE OF LAW which were adopted by order dated October 5, 1992, and the adoption of revised RULES AND PROCEDURES GOVERNING ADMISSION TO THE PRACTICE OF LAW. The Court has fully considered those recommendations and finds they should be approved. It is therefore,

ORDERED that the RULES AND PROCEDURES GOVERNING ADMISSION TO THE PRACTICE OF LAW which were adopted by order dated October 5, 1992, be, and they hereby are, repealed and, further, that the revised RULES AND PROCEDURES GOVERNING ADMISSION TO THE PRACTICE OF LAW, attached hereto, be, and they hereby are, adopted; and it is,

FURTHER ORDERED that the attached RULES AND PROCEDURES GOVERNING ADMISSION TO THE PRACTICE OF LAW be published in the advance sheets of the Pacific reporter and in the Wyoming Reporter and that those rules and procedures shall become effective 60 days after publication in the advance sheets of the Pacific Reporter and shall, thereafter, be spread at length upon the journal of this court.

DATED this 24th day of November 1997.

FOR THE COURT:
William A. Taylor
William A. Taylor
Chief Justice

Rules and Procedures Governing Admission to the Practice of Law

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**SECTION I
GENERAL PROVISIONS**

Rule 100. Definitions.

All references herein to the "Court" the "Board", the "Bar" and the "Committee" shall refer respectively to the Supreme Court, the Wyoming State Board of Law Examiners, the Wyoming State Bar and the Character and Fitness Committee of the Board of Law Examiners, unless otherwise specifically provided.

Rule 101. Board of Law Examiners.

(a) The Board shall consist of five resident members of the Bar who are learned, experienced and of generally recognized ability and integrity and who have further completed five years in the active practice of law. Members shall be appointed by the Supreme Court for terms of three years each. No more than one member shall be appointed from the same judicial district. Appointments to fill vacancies occurring other than by expiration of a term shall be for the unexpired term. Each member of the Board shall take and subscribe an oath to faithfully, carefully and impartially perform all of the duties imposed as a member of the Board, which oath shall be entered upon the minutes retained by the Bar on behalf of the Supreme Court. The Board shall designate a chair and a vice-chair from its membership, who, acting together, shall constitute an executive committee. Any action which may be taken by the Board, when the Board is not in session, and time is of the essence, may be taken by the executive committee, which shall promptly notify the members of the Board of such action. The action of the executive committee shall be subject to confirmation at the next regular meeting of the Board. The Board shall designate an Executive Secretary, who shall be the Executive Director of the Bar.

(b) The Board shall hold at least two regular meetings each year for the examination and review of all applicants, at times and places designated by the chair. Other meetings of the Board shall be called as necessary by the chair at such place or places as may be convenient. These other meetings may be conducted by telephone conference call. At all meetings, a majority of the Board shall constitute a quorum. Members of the Board are excused from court appearances in all courts of the State of Wyoming while in attendance at any meeting of the Board duly called by its chair provided reasonable and timely notice of such a meeting is conveyed to the appropriate court and to opposing counsel. It shall further be the duty of the Board to certify and recommend all applicants for admission to the Supreme Court. All petitions for examination and admission on motion shall be received by the Supreme Court and forwarded to the Board, which shall verify information on each applicant's petition, investigate each applicant's qualifications and conduct further proceedings described in Section IV as it deems necessary to determine character and fitness. Upon completing such examination and/or investigation described herein, the Board shall

report its recommendations and findings to the Supreme Court in a timely manner.

(c) Each member of the Board shall receive compensation, a per diem and mileage allowance as provided by law or as allowed by the Supreme Court. Expenses incurred by Board members shall be directly and individually submitted upon an itemized voucher to the Executive Secretary of the Board for proper verification and certification. Upon obtaining such a voucher and securing the appropriate certification, the Executive Secretary shall promptly submit the voucher and certification to the Supreme Court for payment from revenues earmarked for the Board.

Rule 102. Character and Fitness Committee.

(a) To assist the Board in conducting such character and fitness investigation as it deems necessary, the Supreme Court may appoint a Committee. The Committee shall consist of not less than three nor more than five resident members of the Bar. Committee members shall be appointed to three-year terms from a list of nominees submitted by the Board to the Court on an annual basis, except that initial members shall be appointed to terms of one, two and three years, respectively. From its members, on an annual basis, the Board shall select a Committee Chair. Committee members shall serve without compensation except that they shall be reimbursed their actual expenses incurred in performing their duties and in attending Committee meetings, in accordance with Rule 101(c) of these Rules.

(b) The Committee shall investigate the character, fitness and moral qualifications of an applicant for admission upon the request of the Board. Upon receipt of such a request, accompanied by all information regarding the applicant as obtained by the Board, the Committee shall conduct such investigation as it deems necessary in order to report its findings and recommendations to the Board.

(c) The Committee shall determine an applicant's character, fitness and moral qualifications in accordance with:

- (1) The provisions of these Rules; and
- (2) The applicable decisions of the Court and the Supreme Court of the United States.

(d) Upon completion of its investigation the Committee shall submit to the Board its written findings and recommendations concerning the applicant's character, fitness and moral qualifications. The Board, in its discretion, may, in whole or in part, accept or reject any such findings or recommendations, or remand any such findings or recommendations to the Committee for such further investigation as shall be requested by the Board.

Rule 103. Office of the Bar.

The office of the Bar shall serve as office of the Board and the Character and Fitness Committee. It shall perform all administrative duties for the Board and the Committee, including the receipt and printing of examination questions; assist in the investigation of applicants and their qualifications; and prepare minutes, proceedings, certifications and recommendations required of the Board and the Committee by state law and the Court. The State Bar shall also draft and submit all budgets, vouchers and fiscal reports required by the State of Wyoming. The Bar shall also perform such other duties as may be requested by the Board or the Court.

Rule 104. Records.

(a) The Bar shall maintain copies of records that are generated in the course of accepting and processing applications for admission on motion, records generated in accepting and processing applications to sit for bar examinations and the results of taking the bar examination. The following original records shall be maintained at the Court subsequent to the report and recommendation of the Board:

(1) With respect to applications to sit for the bar examination:

(A) Original application with all supporting data and certification required by the Board, with the exception of original or duplicate applicant examinations, which shall be destroyed three years following the test date; and

(B) Original report and recommendation by the Board.

(2) With respect to each bar examination:

(A) The examination report of the Board, including the names and corresponding scores of all those who took the examination; and

(B) Such statistical summaries and annual reports as may be specifically authorized by the Court.

(3) With respect to applicants for admission on motion:

(A) The original application with all supporting data and certification required by the Board; and

(B) Original report and recommendation by the Board.

(b) Information and documents obtained by the Board and the Committee pursuant to their investigations and relevant to the requirements of the Board shall be retained by the Bar and shall be confidential, subject to the following exceptions:

(1) Information may be disclosed by the Board to the Committee, by the Committee to the Board, and may be disclosed to the applicant, the applicant's counsel, to anyone authorized by the applicant to receive such information, to a hearing officer appointed pursuant to these rules and to any counsel for the Board, or for the Committee;

(2) Information may be disclosed to the Court;

(3) Information provided by or obtained with respect to an applicant's fitness to practice law may be disclosed to the bar admissions authority

of any United States jurisdiction where the applicant applies for admission to the practice of law;

(4) The name, address, date of birth and social security number of each applicant may be furnished to the National Conference of Bar Examiners for dissemination to the bar admissions authority of any United States jurisdiction upon request;

(5) Information may also be released to the Counsel for the Bar, any board or committee of the Bar and any board or committee of another state bar as the Board deems advisable;

(6) Information and records may be disclosed as provided by order of the Supreme Court.

(7) All other information provided by or obtained with respect to an applicant for admission on motion or to sit for a bar examination, including examination results, except as specifically provided for herein, shall be considered confidential and privileged.

Rule 105. Waivers.

The Board may, for good cause shown by clear and convincing evidence, waive any rule contained herein; provided, however, the Board shall not waive filing fees, including late fees, nor shall the Board waive the prohibition on regrading of essay answers after the general release of grades. The decision of the Board not to waive any rule herein subject to waiver may be appealed to the Court.

Rule 106. Communications with Board Members.

All communications to or with the Board or any member thereof relating to pending applications for admission on motion or applications to take the bar examination or regarding the results thereof or eligibility for admission to the bar examination, and all communications with either the Board or any member thereof relating to waiver of any part of these Rules, whether by an

applicant or by any person or agent acting for or on the behalf of an applicant, shall be transmitted through the office of the Bar unless otherwise directed in writing by the chair of the Board.

Rule 107. Filings.

All filings required to be made by routine application shall be filed with the Clerk of the Supreme Court. Additional information requested by the Board or the Committee in investigations of applicants shall be filed with the office of the Bar. An application shall be governed by the Rules and Procedures in effect at the time the application is filed with the Clerk of the Supreme Court.

Rule 108. Immunity.

(a) For any conduct or occurrence in the course of or arising out of any official duties in connection with these rules, the Board and its members shall enjoy judicial immunity as the Wyoming Supreme Court would enjoy performing the same function.

(b) For any conduct or occurrence in the course of or arising out of performance of any official duties in connection with these rules, the Board, its members, its Executive Secretary, its counsel, the Committee, its members, its counsel and all employees, personnel and agents through whom the Board and/or Committee functions shall enjoy such prosecutorial immunities as the Supreme Court would enjoy if performing the same functions.

(c) The Board, its members, its Executive Secretary, its counsel, the Committee, its members, its counsel, and all employees, personnel and agents shall retain common law immunity applicable and enjoy any immunity granted to the fullest extent provided by law.

Rule 109. Computation of Time.

In computing any period of time prescribed or allowed by these rules, or by order of the Supreme Court, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper, a

day on which weather or other conditions have closed the recipient office, in which event the period runs until the end of the next day which is not one of the above-described days. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this rule, "legal holiday" includes any day officially recognized as a legal holiday in this state by designation of the legislature or appointment as a holiday by the Chief Justice of the Supreme Court.

SECTION II ADMISSION BY EXAMINATION

Rule 201. Applications for Examination.

(a) The Wyoming Bar Examination shall be administered in conjunction with the national Multistate Bar Examination (MBE), given in February and July of each year. An application to take the February administration of the Wyoming Bar Examination must be filed with the Clerk of the Supreme Court no later than the 15th day of November. An application to take the July administration of the Wyoming Bar Examination must be filed with the Clerk of the Supreme Court no later than the 15th day of April.

(b) Applications to take the Wyoming Bar Examination shall be filed with the Supreme Court Clerk's office on a form prescribed by the Board and shall be accompanied by a fee established by the Board and the Supreme Court, together with a fee equal to the cost(s) of any credit or other report requested by the Board or the Committee. Further, evidence that the applicant meets the education requirements set forth in these rules must be submitted contemporaneously with the application, together with all supporting data and certification required of an applicant. The Board may require the payment of an additional fee for investigation, including but not limited to, the cost of any record or documents required by the Board or the Committee in the conduct of an investigation or inquiry concerning the applicant, the cost of the character report from the National Conference of Bar Examiners and the cost of the services of an investigator.

(c) An applicant who is unsuccessful on an examination may file an application to take the next Wyoming Bar Examination without

paying an additional fee. Further, applicants who wish to take the next examination need not resubmit evidence of meeting the educational requirements set forth in these rules. Thereafter, the applicant shall be required to resubmit an application and filing fee.

Rule 202. Educational Requirements.

(a) The Board shall, before admitting an applicant to an examination, be satisfied that the applicant possesses the qualifications as to the periods of study prescribed by law; and the following information shall be submitted by an applicant:

(1) The time of study in an American Bar Association accredited law school, or under the supervision thereof, by the certificate of the president, dean or secretary of the faculty under whose instruction the person has studied, under the seal of the school, if such there be; and

(2) The time of study in the office of a member of the Bar or a judge of this state by a certificate of such members of the Bar or judge, showing the actual period of such study, together with a listing and description of the substantive topics of law studied. Evidence of tests taken, as well as written material, may be requested. Prior approval of a course of study is highly recommended by the Board.

(b) Attendance and successful completion of classes and studies at an American Bar Association accredited law school during a school year of not less than eight months in a year shall be deemed a year's attendance in a law school; and in computing the period of study in an office, a vacation actually taken, not to exceed three months in each year, shall be allowed as part of each year.

(c) An applicant shall not be permitted to take the examination unless evidence is first received showing that the applicant meets the educational requirements of these Rules. It is the responsibility of the applicant alone to insure that the evidence is received prior to the examination. The form of evidence shall be an official transcript from each law school attended, or a

certificate of the dean of such law school certifying successful completion and graduation from a law school approved by the Board, if applicable. However, in lieu of an official transcript of legal studies, an applicant who is eligible to take the examination prior to graduation shall cause the applicant's law school to submit a certification to the effect that the applicant is a regularly enrolled student and that the examination for which the application has been made is the examination immediately following the applicant's scheduled graduation. An applicant shall cause the applicant's law school, if applicable, to certify to the Supreme Court the fact of the applicant's graduation before the Board may certify the applicant as eligible for admission to the practice of law.

(d) Any person applying under Section 202(a)(1) shall cause the applicant's law school to certify to the Supreme Court the fact of the applicant's graduation before the Board may certify the applicant as eligible for admission to the practice of law.

Rule 203. Refunds.

Refunds of the Wyoming Bar Examination application fee will not be made in the event an applicant is found to be ineligible to take an examination. Refunds will not be made for withdrawal of an application, but may only be allowed by the Supreme Court upon motion and for good cause shown.

Rule 204. Examinations.

(a) The Board shall conduct two examinations each year, each of which shall be held in Laramie, Wyoming or such other location as the Board may designate at least 90 days in advance of the examination. Each shall be conducted so as to coincide with the administration of the Multistate Bar Examination prepared by the National Conference of Bar Examiners.

(b) The Wyoming Bar Examination shall be administered in two parts, one of which shall consist of essay questions prepared or approved by the Board. Subjects from which questions may be drawn will be announced to applicants upon approval of their application. After the examination has been held, the questions prepared by the Board may, at its discretion, be made public by the Board in such a manner and to such an extent as it deems proper.

(c) The second part of the examination shall be the Multistate Bar Examination prepared and graded under the direction of the National Conference of Bar Examiners. Questions on the Multistate Bar Examination shall not be made public in any manner unless authorized by the National Conference of Bar Examiners.

Rule 205. Oath of Applicant.

Each applicant shall, by taking the examination be deemed to have sworn the following with respect to each question:

"I being first duly sworn on my oath according to law, depose and state: that I had no information or knowledge in advance as to what questions would be submitted to me in my examination held before the Board of Law Examiners of the State of Wyoming and that I received no information or advice during said examination from any person or persons, whatever, or by reference to any book or memorandum of any kind."

Applicants, at the discretion of the Board, may be required to sign and have notarized this oath in writing.

Rule 206. Anonymity of Examinees.

Until after the grading process has been completed by the Board, the examination of each applicant shall be done in such a manner that the applicant's examination paper is not identifiable by name to the members of the Board or its Executive Secretary.

Rule 207. Typing Essay Portions of the Examination.

Any applicant desiring to type the essay portions of the examination may do so if the applicant has so indicated on the applicant's application. An applicant may also notify the Board, through its Executive Secretary, that the applicant wishes to type the examination at least five days prior to the first day of the examination. An applicant must supply own typewriter and may not use a typewriter capable of electronic memory storage or other computerized functions.

Rule 208. Monitors.

The Board shall appoint a sufficient number of monitors to insure the examination is conducted in an orderly and expeditious manner and to insure no applicant gives or receives aid in taking the examination.

Rule 209. Misconduct by Applicants During Examination.

If, during an examination, the Board or its designee has brought to its attention conduct by an applicant which may violate the oath of applicant or any rule governing the examination, the Board or its designee shall cause an immediate investigation to be made. If the Board or its designee determines that an applicant has violated the oath of applicant or rules governing the examination, it shall immediately disqualify the applicant from the examination. Thereafter, the Board may consider whether the applicant's character and fitness is such that the applicant is capable of assuming the responsibilities of the practice of law. Any fraudulent act or presentation in connection with the application or examination shall be sufficient cause for the revocation of the order admitting the applicant to practice.

Rule 210. Examination Accommodations.

(a) An applicant who has a disability and is otherwise eligible to take the Wyoming Bar Examination may file a request for special testing accommodations. The applicant is responsible for informing the Board in writing in accordance with this rule by the deadline for filing the application for examination. If the applicant fails to demonstrate that the applicant suffers from a covered disability, there shall be no obligation to provide any accommodations.

(b) For the purpose of this rule, the following definitions shall apply:

(1) "Disability" shall mean any of the following: A physical or mental impairment that substantially limits one or more of the major life activities of the applicant and that substantially limits the ability of the applicant to demonstrate, under standard testing

conditions, that the applicant possesses the essential skills and aptitudes that the Supreme Court of Wyoming and the Board have determined are appropriate to require for admission to the practice of law in Wyoming.

(2) "Reasonable accommodation" shall mean an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant's disability without doing any of the following:

(A) Fundamentally altering the nature of the Wyoming Bar Examination or the Board's ability to determine through the bar examination whether the applicant possesses the essential skills and aptitudes that the Supreme Court and the Board have determined are appropriate to require for admission to the practice of law in Wyoming;

(B) Compromising the security of the examination;

(C) Compromising the integrity, the reliability, or the validity of the examination;

(D) Imposing an undue burden on the Board.

(c) Requests for special testing accommodations shall be made in the following manner:

(1) A request for special testing accommodations shall be on forms prescribed by the Board and shall consist of all of the following:

(A) A statement of the applicant, including a description of the applicant's disability and the

special accommodations requested;

(B) A certificate of the applicant's medical, psychological, or other appropriate authority, signed under oath stating:

(i) The nature and the extent of the impairment;

(ii) The test or tests performed to diagnose the disability or impairment;

(iii) The effect of the disability on the applicant's ability to take the test under normal testing conditions; and

(iv) The special testing conditions prescribed by the certifying authority, or deemed to be necessary by the certifying authority.

(C) A statement by the applicant as to the accommodations received in college, law school, or any prior examination; and

(D) A certificate from any educational institution beyond high school that provided special accommodations to the applicant while the applicant attended the educational institution which describes the accommodations provided to the applicant.

(2) The applicant may file any additional documentation in support of the request.

(3) Upon request, the applicant shall submit an authorization for release of records

relevant to the disability and/or requested accommodations from educational institutions, medical, psychological and/or appropriate authorities who completed certificates submitted with the request, if the Board determines that access to those records is reasonably necessary to determine whether an applicant's condition meets the criteria for a disability set forth in this policy. The Board may, at its expense, require an examination by an appropriate authority.

(4) A request for special testing accommodations for any examination shall be filed by the deadlines set forth in Rule 201(a). A request for special test accommodations for re-examination shall be filed with the application for examination and by the deadline for filing that application.

(5) An applicant may file an emergency request for special testing accommodations after the time prescribed in the above section if all of the following conditions are met:

(A) The application to take the Wyoming Bar Examination was timely filed and complete in all other respects;

(B) At the time of filing the application to take the Wyoming Bar Examination, the applicant did not have the disability or was unaware of a disability that would necessitate special testing accommodations;

(C) After acquiring the disability, the applicant promptly submits both of the following:

(i) An emergency request on a form prescribed by the Board, providing the date and circumstances under which the disability arose or became known to the applicant;

(ii) A complete request for special testing accommodations. The certificate by the appropriate authority shall state the date the impairment first manifested itself.

(6) An emergency request shall not be filed fewer than seven days preceding the scheduled bar examination. Time is computed pursuant to Rule 109.

(7) All forms necessary to complete a request or emergency request for special testing accommodations shall be available at no charge from the Clerk of the Supreme Court.

(d) The Board shall review all requests for special testing accommodations that are properly filed in accordance with this policy. The Board may delegate to a committee of its members authority to review and rule upon requests pursuant to this policy. Requests that are not timely filed, that are incomplete, or that otherwise do not comply with the requirements of this policy may be rejected for consideration by the Board. The Board may request an applicant to submit additional information in support of the applicant's request. The Board may seek the assistance of an appropriate authority of the Board's choosing in reviewing a request. In reviewing a regular request, the Board shall comply with the following procedures:

(1) The Board shall make a determination, and shall send notification of the determination to the applicant, no fewer than 40 days before the examination.

(2) The Board's denial of a request shall be in writing and sent to the applicant by certified mail to the address provided by the applicant on the request. The Board's denial shall include a statement of the Board's reasons for denial.

(3) The applicant may appeal the denial of a request. The appeal shall be filed with the Clerk of the Supreme Court within 10 days of the mailing of the notice of denial. The appeal shall be conducted on the basis of the record compiled before the Board, and the applicant shall be limited to a written argument in support of the appeal.

(4) Within 10 days of the filing of an appeal, the Supreme Court shall affirm, reverse, or modify the Board's decision and prepare a written ruling with reasons for the decision. A copy of the ruling shall be sent to the applicant at the address provided by the applicant on the request. The decision on appeal shall be final.

(5) In reviewing an emergency request, the Board shall first determine whether the request qualifies as an emergency request under this policy. If it does not qualify as an emergency, the Board shall deny the request.

(A) If an emergency exists, the Board shall make a determination on the emergency request and notify the applicant of the determination, as soon as is reasonable but no later than 24 hours before the examination.

(B) The Board may deny an emergency request if it is not practicable in the time remaining before the examination:

(i) To arrange special accommodations that would provide testing conditions that are reasonable and comparable to those conditions provided to other applicants; or

(ii) For the Board to take all steps reasonable and necessary for it to reach a fair determination on the merits of the request before the examination.

(C) The Board's decision on an emergency request shall be final and is not appealable.

(e) The Board shall incur the costs of all accommodations that it grants and that are provided to the applicant by the Board.

(f) The Board shall grant a request and provide special testing accommodations to an applicant if it finds that the provisions of this rule are met and finds all of the following:

(1) The applicant is a qualified applicant with a disability who is otherwise eligible to take the bar examination;

(2) The special testing accommodations are necessary to ameliorate the impact of the applicant's disability;

(3) The special testing accommodations are reasonable accommodations.

(g) The Board shall determine, based on the information available to it, what special testing accommodations are reasonable accommodations. The Board may provide accommodations different from those requested by the applicant if the Board determines that the accommodations provided will effectively ameliorate the impact of the applicant's disability.

(h) No special testing accommodations granted pursuant to this policy shall serve to alter in any manner the limitation otherwise imposed on the applicant's answers.

(i) If an applicant is permitted to dictate answers to the essay portion of the examination, those answers shall be transcribed by personnel selected solely by the Board for that purpose.

(j) All requests for special testing accommodations, supporting documentation, and information developed by the Board with respect to the requests shall remain confidential.

Rule 211. Examination Scores and Notification of Results.

(a) The Wyoming Bar Examination shall consist of three parts: 1) the Wyoming Essay, graded by or under the direction of the Board, which shall pass upon the merits of the answers submitted; 2) the Multistate Professional Responsibility Examination (MPRE); and, 3) the Multistate Bar Examination (MBE).

(b) The Board shall require each applicant to pass the MPRE with a scale score of 75 or greater, prior to certifying the applicant as eligible for admission to the practice of law. The passing score on the MPRE must have been obtained in this or another jurisdiction within three years from the date upon which an

applicant obtains a passing score on the Wyoming Essay Examination to be eligible for admission.

(c) The Board shall further require that an applicant achieve an average score of 70 or higher on the overall Wyoming Essay part of the examination and achieve a grade of 70 or higher on at least six out of ten essay questions.

(d) The Board shall further require each applicant to pass the MBE with a scale score of at least 130, provided the score is obtained in this or another jurisdiction on the test administered either the day before or the day after the administration of the Wyoming essay for which the applicant obtains a passing score in Rule 211(c).

(e) If an applicant achieves an overall average score of 73 or higher on the essay examination and has received a passing grade of 70 or higher on at least six out of ten questions and has not achieved a scale score of at least 130 on the MBE, the applicant shall be exempt from further taking the essay part of the examination for a three-year period. An applicant who has failed to pass six out of ten essay questions with a grade of 70 or higher or who has failed to get a grade of 70 or higher on the essay examination, or both, but who receives a scale score of 133 or above on the MBE shall be exempt from the further taking of the MBE for a three-year period. An applicant who receives a scale score of 133 or above on the MBE administered in another jurisdiction may direct transfer of the score through the testing agency to Wyoming and be exempt from further taking of the MBE for a three year period.

(f) Prior to identifying the applicants who have passed or failed the examination, the Board shall regrade essay examinations of applicants which have an average score of at least 68 but less than 70. Any regrading of examinations after identification of the applicants and the release of grades is prohibited.

(g) The Board shall notify the Supreme Court of the results of the examination upon completion of the grading of the essay part of the exam and receipt of results from the MBE and the MPRE from the respective reporting agencies. The Supreme Court shall notify each bar applicant whether the applicant passed the examination as promptly as feasible, but may withhold notification to an applicant

in the event of a continuing or incomplete character and fitness review. Applicant grades shall not be disclosed to any person other than the applicant except that: (1) upon written request of an applicant the Board may disclose the applicant's scale and raw MBE scores to the bar examining authority of any United States jurisdiction; (2) the Board may compile and disseminate passage rate reports as directed or approved by the Supreme Court.

Rule 212. Review of Examination Answers.

An applicant may inspect the applicant's answers along with a copy of the essay examination and the model answer following the exam at the office of the Bar with the exception of questions and answers on those portions of any examination prepared by or under the supervision of the National Conference of Bar Examiners.

Rule 213. Certification of Eligibility for Admission to the Bar.

Upon an applicant's passing the bar examination and provided that the applicant is certified to have the requisite character and fitness to practice law and the applicant has met all of the educational and testing requirements of these rules, the Board shall certify its recommendation to the Court that the applicant is eligible for admission to the practice of law. Certification may be in such form as the Board prescribes, including a letter, bearing the signature of the Chair or someone delegated by the Chair, provided that person is a member of the Board or the Executive Secretary to the Board.

Rule 214. Duty of the Court After Receiving Certification of the Board.

The Supreme Court, upon receiving the Board's certification that an applicant is eligible for admission to the Bar, shall enter an order in substantially the following form:

"In the Matter of Admission of _____ to the Wyoming State Bar

It appearing that heretofore on the _____ day of _____, 19__, the State Board of Law Examiners filed its report recommending that the above-named applicants, having met the requirements prescribed by law, are persons of

good moral character, and of legal age; and

It further appearing to the Wyoming Supreme Court that said report should be approved and that the applicants possess the qualifications required by law, are persons of good moral character, and of legal age; it is

ORDERED that said applicants be and hereby are, admitted to practice as attorneys and counselors at law in all of the courts of this state upon taking the oath prescribed by the court and with the filing of said oath with the Clerk of the Wyoming Supreme Court.

DATED this _____ day of _____, _____.

by the Chief Justice, Wyoming Supreme Court"

Rule 215. Attorney's Oath Form: Entry on Minutes.

Following the order of the Supreme Court admitting the applicant to the Bar with authority to practice as an attorney and counselor at law in the Supreme Court and all courts of the State of Wyoming, the candidate shall make the following oath:

"I _____, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution and laws of the State of Wyoming, and that I will faithfully and honestly and to the best of my ability discharge the duties of an Attorney and Counselor at Law."

The oath may be taken in open court or in chambers or, if the applicant resides outside the state, before any officer authorized to administer oaths. The completed oath shall be entered on the minutes of the court as provided above.

Rule 216. Duty of the Clerk of the Court.

Whenever there is delivered to the Clerk of the Supreme Court an order for admission and the proper papers described herein, the Clerk shall proceed as directed.

Rule 217. Successive Failure.

Any applicant that fails four Wyoming bar exams over any period of time shall not be permitted to take any subsequent Wyoming Bar Exam until 35 months have elapsed following the date the last preceding Wyoming Bar Exam was taken by the applicant.

**SECTION III
ADMISSION ON MOTION**

Rule 301. General Provision.

The Board may recommend to the Court admission without examination of those attorneys who satisfy the criteria described in Rule 302, below.

Rule 302. Eligibility.

At the discretion of the Court, and upon the submission of (1) the application(s) required by the Board certifying the qualifications of eligibility listed below, (2) all supporting data, and (3) the necessary fees, admission may be granted to an applicant who:

(a) Has been awarded a juris doctor (JD) or Bachelor of Letters of Law (LLB) by a law school approved by the American Bar Association; and who

(b) Is not now nor ever has been admitted to the practice of law in Wyoming or, if previously admitted, one whose membership was withdrawn or terminated in good standing; and who

(c) Has been admitted to practice as an attorney in the highest court in any state, territory or district of the United States by passing a written examination as required by such other state, territory or district; and who

(d) 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 date of the application and is currently engaged in the active, authorized practice of law in one of the jurisdictions to which the applicant is admitted; and who

(e) Has not been denied on motion to practice law in Wyoming or been allowed to withdraw an application due to questions raised by the Board on character and fitness within the last two years; and who

(f) Has not previously engaged in the unauthorized practice of law in State of Wyoming; and who

(g) Practices, and has practiced for five of the seven years immediately preceding the date of application, in a jurisdiction that grants bar admission without bar examination, including a local essay, administration of the MBE or MPRE or any performance test, to attorneys licensed in Wyoming on the basis of practice in Wyoming; and who

(h) Has shown that the applicant has met all such other requirements as may be appropriately prescribed by the Board to demonstrate qualification, character and fitness to practice law; and who

(i) Has never taken and failed the Wyoming Bar Examination.

Rule 303. Definitions of the Active, Authorized Practice of Law.

(a) For purposes of this section, the "active, authorized practice of law" shall refer to the following sectors of practice:

(1) As a significant and primary occupation, serving as an attorney for fees or payment from one or more clients, including individuals, legal service programs, trusts, partnerships and non-governmental corporations;

(2) Serving as an attorney in governmental employment in the law offices of the executive, legislative or judicial departments of the United States, including the independent agencies thereof, or of any state, political subdivision of the state, territory, special district or municipality of the United States, provided that graduation from an ABA-accredited law school is a required qualification of such employment;

(3) Teaching, as a full-time faculty member, a law course or courses at one or more ABA-accredited law

schools in the United States, its territories or districts;

(4) Serving as a judge in a court of the United States, a court of record of a state, territory or district of the United States, provided such employment is available only to licensed attorneys who have graduated from an ABA-accredited law school.

(b) For the purposes of this section, the "active, authorized practice of law" shall consist of the following primary duties:

(1) Furnishing legal counsel;

(2) Drafting legal documents and pleadings;

(3) Interpreting and giving advice regarding the law and legal issues; and

(4) Preparing, trying or presenting cases before courts, departments of government, bureaus or administrative agencies.

(c) Each applicant for admission under this rule shall establish to the satisfaction of the Board that the applicant has engaged in the active, authorized practice of law for five of the seven years immediately preceding the date of application.

Rule 304. Applications, Fees and Filing Deadlines.

(a) An application for admission on motion shall consist of two parts:

(1) a questionnaire and affidavit for applicants seeking admission on motion prescribed or approved by the Board, and

(2) a character investigation performed by or for the National Conference of Bar Examiners, and

(b) The questionnaire and affidavit prescribed or approved by the Board shall be submitted with all supporting data required by the Board to determine eligibility under Rule 302, above.

Supporting data to the application shall include the following:

- (1) A certified copy of the applicant's license of admission or records of admission under the seal of the court;
- (2) A certificate by a judge of a court of record of such other state, territory or district before which the applicant has practiced law, setting forth the maker's acquaintance with the applicant, the facts and circumstances of such acquaintance, containing a positive and unqualified statement that the applicant is a worthy, fit and proper person to perform and accept the obligations and responsibilities of a member of the Bar and stating that the applicant is of good standing in the courts of such other state or territory;
- (3) Verification of 45 hours of approved or approvable course work in Continuing Legal Education during the three years immediately preceding the application for admission to the Wyoming Bar; and
- (4) Two authorization and release forms.

(c) The Board shall, in each case, give consideration to such certificates of moral character it has required along with the character report by the National Conference of Bar Examiners and shall, either directly or indirectly or through the Committee, make independent inquiry and investigation as to the applicant's moral character and fitness to be a member of the Bar. The Board may, either directly or through the Committee, at its discretion, hold further proceedings with the applicant as described in Section IV and shall thereafter report to the Court the results of its findings, together with its recommendation. The Court may on its own motion make such further inquiry and investigation as it deems proper.

(d) Applications for admission on motion shall be accompanied by a fee established by the Board and the Court and, in addition, the fee required to obtain a Character Report from the National Conference of Bar Examiners. Additional investigation fees may be required by the Board, including but not limited to, the expenses necessary for the Board and/or the Committee to obtain records and

documents and the fee necessary to pay the services of an investigator, if deemed of assistance to the Board and/or Committee.

(e) Completed applications are to be filed with the Clerk of the Court.

Rule 305. Reviews of Applicants for Admission on Motion.

(a) The Board shall meet to recommend applicants for admission on motion twice yearly, in February and July, in conjunction with the administration of the Bar Examination. The questionnaire and affidavit prescribed by the Board must be received together with all supporting data and necessary fees, and the character report by the National Conference of Bar Examiners must be completed by the 15th day of April, to be admitted in July or by the 15th day of November, to be admitted in February.

(b) An applicant for admission on motion may be admitted to the practice of law in Wyoming at the discretion of the court once the Board has received the necessary fees, reviewed the application and motion, together with all supporting data and has forwarded its recommendation to the court, which will act on the recommendation in a timely manner. Any fraudulent act or misrepresentation in connection with the application shall be sufficient cause for the revocation of a subsequent order admitting the applicant to practice. Pursuant to Rule 302(g), an applicant for admission on motion who has not practiced for five of the seven years immediately preceding the date of the application in a jurisdiction that grants bar admission to attorneys licensed in Wyoming on the basis of practice in Wyoming shall not be eligible for admission on proof of practice elsewhere.

**SECTION IV
INVESTIGATIONS TO DETERMINE CHARACTER AND FITNESS
OF BAR APPLICANTS**

Rule 401. Character and Fitness.

(a) Every applicant to take the bar examination or for admission on motion must produce satisfactory evidence to the Board

of good moral character and an adequate knowledge of the standards and ideals of the profession and that such person is otherwise fit to practice law within the State of Wyoming. The applicant shall have the burden of proving that the applicant is possessed of good moral character and is fit to practice law. The primary purposes of character and fitness screening before admission to the Bar are to assure the protection of the public and safeguard the justice system. The Board shall not recommend an applicant be admitted to practice law if the Board believes that such applicant would, if admitted to practice law in Wyoming, be unable or unwilling to act in accordance with the standards set forth in the Wyoming Rules of Professional Conduct, and to act fairly, honestly, reasonably and with unquestionable integrity in all matters in which he or she acts as an attorney at law.

(b) The revelation or discovery of any of the following may be treated by the Board as cause for non-recommendation or for further inquiry before the Board decides whether the applicant possesses the character and fitness to practice law:

- (1) Unlawful conduct;
- (2) Academic misconduct;
- (3) Making or procuring any false or misleading statement or omission of relevant information, including any false or misleading statement or omission on the application for admission to the Bar, or any amendment, or in any testimony or sworn statement submitted to the Board or the Committee;
- (4) Misconduct in employment;
- (5) Acts involving dishonesty, fraud, deceit or misrepresentation;
- (6) Abuse of legal process;
- (7) Neglect of financial responsibilities;
- (8) Neglect of professional obligations;
- (9) Violation of an order of the court;

- (10) Evidence of mental or emotional instability;
- (11) Evidence of drug or alcohol dependency;
- (12) Denial of admission to the bar in another jurisdiction on character and fitness grounds;
- (13) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;
- (14) Any other conduct which reflects adversely upon the character or fitness of the applicant.

Rule 402. Investigation of Applicants.

(a) Prior to recommendation to the Court that an applicant be admitted to practice law in Wyoming, the Board shall, either directly or through the Committee, make such investigation as it deems necessary into the applicant's character, reputation and background. Each applicant shall provide written authority to the Board to conduct such investigation, and each applicant shall authorize all persons with information about the applicant to furnish the Board with such information and documents as it may request. The authority granted by an applicant shall expire upon the applicant's admission to the practice of law in Wyoming, denial of the application, or upon the applicant's written withdrawal of the application.

(b) The Board, the Committee, or their delegates may contact all persons who may have information which the Board or Committee believes will be relevant to the determination of the applicant's fitness to practice law. Further, the Board may provide for the appointment of local committees on character and fitness to investigate the background of any applicant who has worked, resided or attended school in the judicial district. The reports of local committees shall include the facts found during their investigations but shall not include any recommendations.

(c) To supplement the character report of the National Conference of Bar Examiners for applicants for admission on motion, the Board, the Committee, or their delegates may contact persons

listed as references on an applicant's character report, the judge providing requisite certification of character and fitness, an attorney's previous employer(s) for the five years next preceding the filing of the application, an applicant's current or former law partners, fellow LLC or LLP members, fellow shareholders or other persons associated with the applicant in the practice of law, or such other persons as may offer relevant information regarding the applicant's ability and fitness to assume the duties and responsibilities of a member of the Bar.

(d) In making the determination on character and fitness of each applicant, the following factors should be considered in assigning weight and significance to prior conduct of the applicant:

- (1) The applicant's age at the time of the conduct;
- (2) The recency of the conduct;
- (3) The reliability of the information;
- (4) The seriousness of the conduct;
- (5) The factors underlying the conduct;
- (6) The cumulative effect of the conduct or information;
- (7) The evidence of rehabilitation;
- (8) The applicant's positive social contributions since the conduct;
- (9) The applicant's candor in the admissions process;
- (10) The materiality of any omissions or misrepresentations.

No person shall be recommended for admission to the Bar who has not reached the age of majority.

Rule 403. Informal Conferences, Permissive Withdrawal of Applications, Reapplication.

(a) In the Board's sole discretion, the Board, the Committee, or some other agent or representative under contract with the Board, may act in the first instance as to any applicant without requiring the applicant to appear before the Board. The Board, the Committee, or the agent or representative of the Board or Committee may also require the applicant, together with the applicant's counsel if the applicant so desires, to appear before the Board or Committee in informal conference, be sworn and be questioned. If after such action or appearance the Board shall not be prepared to certify the applicant, it shall promptly notify the applicant that it cannot certify that the applicant is of approved good moral character and general fitness to practice law. Such notice shall be sent to the applicant by certified mail, with return receipt requested, to the applicant's last address on file with the Board and to the Clerk of the Court. Such notice shall also be sent to the applicant's counsel, if any.

(b) The informal conference provided for in this Rule may be held before a single attorney member of the Board or Committee appointed for such purpose by the Board or Committee Chair, or before a quorum of the Board or Committee as a whole.

(c) With the permission of the Board and subject to such conditions as the Board may impose, an applicant may withdraw his/her application before a final recommendation on such application has been filed by the Board with the Court. Further, the Board or the Committee may deem an application withdrawn if the applicant fails to provide additional or supplemental information within 60 days of its having been requested, unless a longer response time is allowed the applicant.

(d) Any applicant whose application has either been withdrawn or deemed withdrawn shall not be eligible to file a new application for admission for a period of two years following the effective date of such withdrawal. In the event of a reapplication, any information obtained from any previous filing may be considered by the Board and the Committee.

Rule 404. Request for Hearing.

(a) The applicant shall have the right to file with the Board a written request for reconsideration and hearing within 30 days after receipt of the notice described in Rule 403. Such request shall be verified by the applicant that all statements contained therein are true, on the applicant's own knowledge, or on the basis of information furnished to the applicant. Failure to file a timely request for reconsideration shall constitute a waiver of any right to reconsideration, and the applicant shall be deemed to have abandoned the application.

(b) The request for reconsideration filed by the applicant shall state all grounds upon which the applicant intends to rely and shall allege facts which, if true, would establish an abuse of discretion or improper conduct on the part of the Board, the Committee or their agents or representatives.

(c) Upon receipt by the Board of the request for reconsideration and hearing, a hearing shall be granted by the Board under the following procedure:

(1) The Board shall notify the applicant and the Committee of the date, time and place of such hearing;

(2) The Board shall notify the applicant and the Committee of the general subject of the inquiry;

(3) The Board shall notify the applicant of the applicant's right to be represented by counsel at the hearing, to examine and cross-examine witnesses, to adduce evidence bearing on the aforesaid adverse matters and general fitness to practice law, and for such purposes to make reasonable use of the Board's subpoena powers; and

(4) The Board shall notify the Committee and the applicant of the right of the Committee to participate in the hearing as a party.

(d) The hearings before the Board shall be private unless the applicant requests they be public. The hearings shall be conducted

in a formal manner, with the applicant having the rights set forth in this section. In any proceedings, the burden of proof shall be on the applicant to establish the applicant is possessed of good moral character and general fitness to practice law. The Board and the Committee shall each have the authority at their discretion, to retain an attorney to represent them in the matter. The attorney(s) shall be entitled to access all information to the extent required for purposes of the representation.

(e) The Board shall not be bound by the formal rules of evidence. It may, in its discretion, take evidence in other than testimonial form, having the right to rely upon records and other materials furnished to the Board in response to its request for assistance in its inquiries. The Board may, in its further discretion, determine whether evidence to be taken in testimonial form shall be taken in person at the hearing or upon deposition, but all testimonial evidence shall in either event be taken under oath. A record of the hearing shall be kept.

Rule 405. Procedure for Conduct of Formal Hearings.

In order to assist in the orderly conduct of formal hearings, the following procedural guidelines shall be applicable. Such proceedings are neither civil nor criminal but are sui generis. Except as specified herein, the provisions of the Wyoming Rules of Civil Procedure shall not apply. The Board is not bound by the formal Rules of Evidence. However, any issue of fact must be proved by evidence that is clear and convincing.

(a) Pleadings. The docket for all hearings before the Board shall be maintained at the office of the Bar. All original pleadings shall be filed with the Executive Director of the Bar. The form, style and content of all pleadings shall be: "In The Matter of An Application Before The Board".

(b) Service of Notice or Any Other Pleading. All pleadings or other notices shall be served upon the Board and the Character and Fitness Committee by delivery of duplicate copies of such pleadings to the Executive Director of the Wyoming State Bar by personal service or by regular mail addressed to the Executive Director at the office of the Wyoming State Bar. Service of any pleading or other notice upon an applicant shall be by personal service or by regular

mail, addressed to the applicant at his or her place of residence as stated in his or her application unless otherwise provided in the Rules or these guidelines. However, the applicant can direct that all notices be sent to his or her personal attorney by regular mail, in the alternative.

(c) Discovery:

(1) Discovery shall be permitted as provided by the Wyoming Rules of Civil Procedure. Disputes concerning the scope and any other aspect of discovery shall be determined by the Presiding Officer of the Board or Hearing Officer chosen by the Board to conduct the hearing. All discovery orders are interlocutory and may not be appealed prior to the entry of the final decision by the board.

(2) At the discretion of the Board or Hearing Officer, a prehearing conference may be ordered. Applicant and/or applicant's attorney and the Committee and/or Committee's attorney shall submit a memorandum containing the following:

(A) A brief statement of the issues;

(B) Disputed issues of fact;

(C) Names and addresses, together with a statement of the testimony to be elicited. If depositions are to be submitted, identify the portions to be submitted;

(D) All exhibits proposed to be used at the hearing;

(E) Any discovery that remains prior to the hearing;
and

(F) Any points of law deemed important.

(3) The chair or hearing officer shall, at the written request of the applicant, Board, Committee or counsel for applicant, Board or Committee, issue a subpoena for any witness or witnesses. The style of the subpoena shall be:

"The State of Wyoming. In the Matter of an Application by Motion Before the Board", the time and place at which the witness is required to appear, and the person or official body at whose insistence the witness is summoned. It shall be signed by the presiding chairperson or hearing officer, and the date of issuance shall be noted thereon. The subpoena may command the person to whom it is directed to produce books, papers, documents, or other tangible things designated therein. Subpoenas shall be executed and returned after service to the Bar office prior to the hearing. The subpoena shall be served by personally serving a copy of such subpoena to the witness. Witnesses are entitled to the same witness fees and mileage as provided witnesses in the district court. All subpoenas shall be issued in the name of the Board of the Bar. Failure to comply with any subpoena issued as provided shall subject the party served to any penalty provided by law.

(d) Conduct of Formal Hearings:

(1) Any member of the Board or hearing officer sitting at the hearing may administer oaths and affirmations.

(2) The applicant shall have the right to be represented by counsel, to submit evidence, and shall have the right of cross-examination. The applicant or applicant's attorney shall present evidence on behalf of the applicant at the hearing. The attorney for the Board or Committee may present evidence. Any member of the Board or the hearing officer shall make all evidentiary and procedural rulings.

(3) The formal hearing may be tape recorded or stenographically recorded and may be conducted without adherence to the Wyoming Rules of Evidence. Neither the manner of conducting the hearing nor the failure to adhere to the Rules of Evidence shall be grounds for reversing any decision by the Board or hearing officer, provided the evidence supporting such decision is substantial, reliable,

and probative. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(4) Copies of documentary evidence may be received at the discretion of the Chair or hearing officer.

(5) Notice may be taken of judicially cognizable facts.

(6) Testimony may be received by deposition or by phone at the hearing by the Board or hearing officer.

(7) The Board or hearing officer may allow the taking of additional evidence while the matter is still pending before it. The Board or Hearing Officer may continue the hearing or enter an order regarding the submission of additional materials.

(8) If a quorum of the Board is present at the formal hearing, a decision can be rendered. If a quorum of the Board is not present, the record shall be made available to all members, and thereafter a decision shall be made by a quorum of the Board as soon as practicable.

(e) Findings and Conclusions. The Board's final decision as to the hearing shall be in writing. If the Board recommends against admission, it shall make separate Findings of Fact. The Board's final decision shall be mailed to the applicant at the applicant's last known address by certified mail, return receipt requested, and a copy shall be mailed to the applicant's attorney of record, if applicable. A copy of the Board's decision shall also be made available to the Committee or any attorney representing the Board or Committee.

(f) Appeals:

(1) An applicant aggrieved by the final decision of the Board may within 30 days of such occurrence file a Verified Petition for Review with the Court. The petition shall succinctly and briefly state the facts that form the basis of the complaint and applicant's reasons for believing the

court should review the decision of the Board.

(2) A copy of said petition shall be promptly served upon the Executive Director for the Bar. The Executive Director, within 30 days of such service, shall transmit the applicant's file, including all findings and reports prepared by or for the Board and a response to the petition fully advising the Court as to the Board's reasons for its decision and admitting or contesting any assertions made by the applicant in said petition.

(3) The original petition and petitioner's brief together with six copies of each shall be sent to the Court. A copy of the petition and brief shall be served on the Executive Director of the Wyoming State Bar. Failure to file a petition within the time provided may be deemed a consent to the determination on the merits based upon the record of the hearing.

(4) To the extent practicable, the procedures governing an appeal by an applicant for admission to the practice of law from a final decision of the Board shall be governed by the rules set forth in Wyoming Rules of Appellate Procedure.

Rule 406. Reapplication after Denial.

The Board shall not accept a new application from an applicant who has received a recommendation of denial based on the applicant's fitness to practice law until two years have elapsed from of the date a tentative order of denial becomes final, a final decision is issued after a hearing and not appealed, or a final decision is affirmed by the Court, the latest of which date is applicable.

Rule 407. Rehabilitation.

Any applicant who asserts rehabilitation, from prior conduct which bears adversely upon such person's character and fitness for admission to the bar, shall be required to produce clear and convincing evidence of such rehabilitation, including, but not limited to, the following elements:

(a) Strict compliance with the specific conditions of any disciplinary, judicial, administrative or other order, where applicable;

(b) Unimpeachable character and moral standing in the community;

(c) Good reputation for professional ability, where applicable;

(d) Lack of malice and ill feeling toward those who by duty were compelled to bring about the disciplinary, judicial, administrative or other proceeding;

(e) Personal assurances, supported by corroborating evidence, of a desire and intention to conduct one's self in an exemplary fashion in the future;

(f) Restitution of funds or property, where applicable;

(g) Positive action showing rehabilitation by such things as a person's occupation, religion, community or civic service. Merely showing that an individual is now living as and doing those things he or she should have done throughout life, although necessary to prove rehabilitation, does not prove that the individual has undertaken a useful and constructive place in society. The requirement of positive action is appropriate for applicants for admission to the Bar because service to one's community is an implied obligation of members of the Bar.

SECTION V. PREREGISTRATION OF EXAMINATION APPLICANTS

First-year law students in Wyoming who intend to enter the practice of law in Wyoming following graduation are encouraged to register with the National Conference of Bar Examiners for an initial character report. Its purpose is to identify character and fitness issues in a law student's first year that may preclude or hinder later admission. The investigation serves to alert students to potential problems that may bar admission before he or she devotes the substantial time and expense necessary to prepare for practice.

(a) Every person intending to apply for admission to the Bar by examination may register with the Board on forms furnished by the Board and by paying the fee required by the National Conference of Bar Examiners for its student preregistration program. This fee shall be in addition to the application fee required under Rule 201 (b) above. Data submitted may be retained by the Bar in a manner consistent with the record keeping provisions of Rule 103.

(b) The registration as a law student under this rule is not deemed an application for permission to take the bar examination.

(c) The Board shall, in each case, review such registration at such time and in such manner it may elect. The Board or Committee may make independent inquiry and investigation as to applicant's moral character and fitness to be a member of the Bar. The Board may conduct further proceedings, and with regard to each registration, the Board shall have all of the powers given it in respect to inquiry and investigation of candidates for admission to the Bar according to the procedures set forth in Section IV of its rules. The Board shall thereafter report to the court the results of its findings, together with its recommendations at the time the results of the examination are conveyed to the Court according to the provisions of Rule 211(f) above. A copy of the Board's report to the Court shall be provided to the law student.

(d) The Board's recommendations shall be deemed preliminary, shall not be deemed a commitment of permission to take the bar examination and shall not be deemed a waiver of any facts or conduct after-discovered or occurring subsequent to the board's inquiry and investigation.