STATE OF WYOMING ) IN THE DISTRICT COURT

) SS

COUNTY OF ) JUDICIAL DISTRICT

Case No.

In the Matter of the Appointment of )

Attorney Surrogate for )

)

DECEASED ATTORNEY )

WSB No. 0-0000, )

)

Deceased. )

Petition for Appointment of Surrogate Attorney

COMES NOW [Surrogate Attorney] and requests an Order pursuant to Rule 26(d) of the Wyoming Rules of Disciplinary Procedure appointing Petitioner as Surrogate Attorney for [Deceased Attorney], deceased. This petition is brought upon the following grounds:

1. Petitioner is a member in good standing of the Wyoming State Bar, and maintains an active law practice in , Wyoming.
2. [Deceased Attorney] passed away on , 201 . At the time of his death, [Deceased Attorney] was a member in good standing of the Wyoming State Bar with an active law practice in , Wyoming.
3. Rule 26(d) of the Wyoming Rules of Disciplinary Procedure provides:

(d) *Protective Appointment of Counsel.* When an attorney has been transferred to disability inactive status; or when an attorney has disappeared; or when an attorney has died; or when an attorney has been suspended or disbarred and there is evidence that the attorney has not complied with the provisions of Rule 21, and no partner, executor, or other responsible party capable of conducting the attorney's affairs is known to exist, a district judge in any judicial district in which the attorney maintained his office, upon the request of Bar Counsel, shall appoint legal counsel to inventory the files of the lawyer in question and to take any steps necessary to protect the interests of the attorney in question and the attorney's clients.

1. Counsel appointed pursuant to this rule shall not disclose any information contained in the files so inventoried without the consent of the client to whom such files relate, except as necessary to carry out the order of the court that appointed the counsel to make such inventory.
2. In protecting the best interests of the clients, any attorney or attorneys so appointed shall be immune from civil liability when his or her actions are performed in conformance with the Wyoming Rules of Professional Conduct.
3. Petitioner requests that he be appointed as Surrogate Attorney to inventory [Deceased Attorney]’s files and to take such action as is required to protect the interests of the clients, including but not limited to:
4. Work with [Deceased Attorney]’s office staff to review client files, identify those active matters in need of replacement counsel, and communicating with clients regarding the transfer, return, storage or destruction of client files;
5. Sign, on [Deceased Attorney]’s behalf, motions to withdraw, motions to continue and such other documents as may be required for the orderly transition of [Deceased Attorney]’s pending matters to replacement counsel;
6. Audit [Deceased Attorney]’s law trust account and make appropriate deposits to and disbursements from such account;
7. Act in [Deceased Attorney]’s stead in winding down [Deceased Attorney]’s law practice; and
8. Take such other action as may be necessary and consistent with Rule 26(d).
9. Petitioner has communicated with Mark W. Gifford, Bar Counsel for the Wyoming State Bar. Bar Counsel assisted Petitioner with the drafting of this Petition and the accompanying Order.

WHEREFORE, Petitioner prays that this Court appoint Petitioner as Surrogate Attorney for [Deceased Attorney], deceased.

RESPECTFULLY SUBMITTED this day of , 201 .

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[Surrogate Attorney]