

Wyoming State Bar Board of Officers & Commissioners Meeting

April 22, 2022

The Lodge at Jackson Hole

Jackson Hole, Wyoming

- In Attendance:** J. Kenneth Barbe, President; Teresa S. Thybo, Vice President; Kelly M. Neville, Treasurer (via phone); Stefanie L. Boster, First Judicial District Commissioner; Sarah L. Chavez Harkins, Second Judicial District Commissioner (via phone); Jason Petri, Third Judicial District Commissioner; Jennifer L. Kirk, Fifth Judicial District Commissioner; Alison O. Gee, Sixth Judicial District Commissioner; P. Craig Silva, Seventh Judicial District Commissioner (via phone); Shawn G. Wilde, Eighth Judicial District Commissioner (via phone); James T. Whiting, Ninth Judicial District Commissioner; Sharon Wilkinson, Executive Director; Mark W. Gifford, Bar Counsel; and Cathy Duncil, Admissions Director (via phone)
- Absent:** Christopher H. Hawks, President-Elect; Billie LM Addleman, Immediate Past President; Kevin K. Kessner; Fourth Judicial District Commissioner and Emily S. Madden, Young Lawyer Section Chair
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President J. Kenneth Barbe called the meeting to order at 12:36 p.m. on Friday, April 22, 2022.

Because there was not a quorum, President Barbe shared that we would skip those agenda items that required action and move to the regulatory reports.

Admissions

Cathy Duncil, Admissions Director, shared that there were 14 applicants that took the February bar exam. As a result of the minimal number of applicants, she reported that the National Conference of Bar Examiners (NCBE) supplemented the exams so that the Board of Law Examiners (BLE) actually graded 30 exams. Mark Gifford shared that this was necessary in order to ensure that the exam was statistically sound. Ms. Duncil shared that the pass rate on the February exam was 64%.

Mark Gifford reminded the Board that the staff has been dealing with an applicant who went before the Character and Fitness Committee three years ago and was denied admission. This applicant has applied again after sitting out the requisite two years. Mr. Gifford reported that there was another hearing before the Committee and it determined that this applicant needed a comprehensive evaluation. Mr. Gifford provided an overview of the three-day evaluation and reported that the final report on the applicant was provided yesterday. He shared that the report concludes that the applicant is not fit to practice law and will not be for quite some time unless and until there is extensive rehabilitation.

President Barbe asked Mr. Gifford if the applicant had been admitted, is there any type of monitoring the Bar could provide. Mr. Gifford stated that if an applicant has a history of substance abuse, mental health or financial issues, he or she can be conditionally admitted; however, the applicant would have to show an established pattern of effective and ongoing treatment in order to qualify for conditional admission. He shared that he and Cathy Duncil meet with the first-year law students each year and discuss this very issue.

Mark Gifford shared that a group made up of members of the Board of Law Examiners, the Character and Fitness Committee, Bar staff, Justice Kari Jo Gray and Shawna Goetz, Clerk of the Wyoming Supreme Court, will be attending the NCBE Annual Bar Admissions Conference next week in New Orleans. He shared that it is always a fantastic conference and they have not met in person since 2019. Mr. Gifford described the different program tracks offered at the conference.

Mandatory Continuing Legal Education (CLE)

Executive Director Wilkinson reported that 186 lawyers were assessed the \$300 delinquency fee after not being compliant with their 2021 CLE requirements by January 15, 2022. She reported that 24 of those folks were also assessed the \$300 noncompliance fee as a result of their continued noncompliance on March 1, 2022. Ultimately, the Wyoming Supreme Court issued the suspension order for 11 lawyers; however, Executive Director Wilkinson learned that one of them passed away last year.

Mark Gifford shared that the staff had an unfortunate interaction with a member after she did not submit her CLE on time. While this ended up getting resolved, he shared that it prompted the staff and the Board of CLE to review the CLE Rules to see if any rule changes were in order. He shared that while they were doing this review, Marie Ellis received a CLE program accreditation request on a very politically charged topic. Upon review, the staff was very concerned that the Bar accrediting the program could be a potential violation of the Bar's Keller policy. Ultimately, Ms. Ellis let the sponsoring organization know that the Bar declined to accredit the program. The organization submitted the same accreditation request but with a different person's name on it, and the program was denied again. Mr. Gifford reported that this prompted discussions in the office about adding something to the CLE Rules indicating that the Bar cannot accredit programs that run afoul of the Keller policy. He reported that those proposed amendments to the CLE Rules went out for member comment, and while we did not receive many comments, the majority of the comments pertained to the Keller-related revision. The CLE proposal that touched off the discussion was subsequently modified and approved for accreditation.

Executive Director Wilkinson clarified that if a program is denied accreditation, that does not mean that a lawyer cannot still earn CLE credit for attending the program. She shared that it simply means the lawyer would have to submit additional information in order for Marie Ellis, CLE Director, to determine whether the program meets CLE eligibility requirements.

Executive Director Wilkinson shared that another factor that prompted a review of the CLE Rules was a request from the Clerk of the Wyoming Supreme Court to remove the requirement that the Court mail the Orders to Show Cause via certified mail.

Mark Gifford reported that the staff will meet with the Board of CLE next week to discuss the members' comments received during the comment period and the final revisions will be submitted to the Supreme Court for consideration.

Approval of Agenda

Once there was a quorum, Executive Director Wilkinson requested that two items be added to the agenda. The first was a request to allocate \$10,000 to the pro bono reimbursement fund and the second was a discussion of a request she received from Joshua Denhardt regarding his desire to get lawyers' feedback on his secure messaging platform as well as his file transfer platform.

Commissioner James Whiting made a motion to approve the agenda with Executive Director Wilkinson's additions. Commissioner Stefanie Boster seconded the motion. The motion carried unanimously.

Approval of Minutes

Commissioner Alison Gee made a motion to approve the January 28, 2022, meeting minutes. Commissioner Boster seconded the motion. Executive Director Wilkinson shared that she was contacted by Treasurer Kelly Neville with a recommended change to the minutes. She directed the Board's attention to the bottom of page 11 and shared that Treasurer Neville recommended changing the language that says, "discussion might be threatening to Wyoming lawyers" to "discussion might be perceived as threatening to Wyoming lawyers." Both Commissioner Gee and Commissioner Boster agreed to a friendly amendment to the motion. The motion carried unanimously.

Executive Committee Minutes

President Barbe offered to answer any questions about the Executive Committee's meeting minutes. There were none.

Treasurer's Report

Cathy Duncil reported that we are half-way through the fiscal year. Executive Director Wilkinson reported that the Bar has already reached 100% of what it anticipated for license fees this fiscal year and reminded the Board that we will still collect license fees as new members are admitted. She also shared that the eBrief newsletter is generating more revenue than expected as a result of the job market. She pointed out that the Office of Bar Counsel is only at 25% of its anticipated revenue in regard to costs recovered for discipline; however, she reminded the Board that the Supreme Court did assess costs in the amount of \$30,577.09 in the Hinckley case and that is due to the Bar by June 1, 2022. Executive Director Wilkinson shared that they exceeded the anticipated revenue in regard to CLE delinquency fees as a result of so many members being delinquent with their 2021 CLE requirements.

On the expense side, Executive Director Wilkinson again explained the increased costs associated with processing credit card payments. She reminded the Board that the Bar is using a new vendor for processing credit card transactions, which is a bit more expensive; however, it makes reporting and reconciling for Cathy Duncil much easier. Executive Director Wilkinson reminded the Board that while we have not yet spent any money on the Judicial Poll, we will exceed the cost that was budgeted (\$15,000) as a result of the revamped Judicial Performance Assessment. She reminded the Board that the cost will be \$22,580.

In the Office of Bar Counsel budget, Executive Director Wilkinson mentioned that we greatly exceeded what was budgeted for both Special Bar Counsel and Hearing Expenses and that was largely due to the Manlove hearing.

Commissioner Gee asked if the Bar accepts American Express. Cathy Duncil clarified that it does. Commissioner Gee wondered if we needed to change that policy as a possible cost savings. Ms. Duncil reported that American Express is now charged at the same rate (3%) as all other credit cards.

Commissioner Whiting made a motion to accept the Treasurer's Report. Commissioner Jennifer Kirk seconded the motion. The motion carried unanimously.

Office of Bar Counsel Report

Mark Gifford directed the Board's attention to his memo in the meeting materials and shared that what has changed with attorney discipline in the last two years is the cases are getting more and more complex and they are requiring much more time. He is also seeing troubling conduct that really strains the resources of the Office of Bar Counsel. Mr. Gifford shared that he and Melinda McCorkle, Deputy Bar Counsel, will be making a proposal to the Review and Oversight Committee to request that Ms. McCorkle, who is currently a half-time employee, go to three-quarters time starting at the beginning of the next fiscal year (October 1, 2022). He shared that the complexity of discipline cases and the fact that the Ethics Hotline is requiring more of both of their time are both factors in wanting to take Ms. McCorkle to $\frac{3}{4}$ time.

Mark Gifford shared that since the last Board meeting, the disciplinary hearing for Leigh Anne Manlove, the Laramie County District Attorney, had taken place the first part of February. This was the second case where a prosecutor was the respondent. He shared that the Supreme Court issued its decision on Becket Hinckley, a former prosecutor in Teton County, on the first day of the Manlove hearing. In Hinckley, the Court cut the Board of Professional Responsibility's (BPR) disbarment recommendation back to a three-year suspension. Mr. Gifford noted that this is the first disciplinary case in Wyoming history where the Court was very divided in its decision. He shared that both Chief Justice Fox and Justice Davis dissented. He also noted that both justices had previously served on the BPR. He reported that the Hinckley decision really made the three-person hearing panel of the BPR change lanes in the Manlove hearing. Mr. Gifford shared that his hope is that the Hinckley decision is a signal that the Court is going to be more active in writing case law in attorney discipline cases because we really don't have any. He shared that the Court provided an extensive definition of conduct prejudicial to the administration of justice.

Mark Gifford shared that there was another disciplinary hearing this week and that three-person hearing panel also applied the Hinckley test.

Client Protection Fund

Mark Gifford shared that he anticipates seeing some Client Protection Fund claims from Zak Szekely's death as well as from Hampton Young's suspension.

Mosher Lawsuit

Mark Gifford reminded the Board that the Bar had been sued recently in a civil rights case. He reported that the Bar retained Anna Reeves Olson of Casper as Special Bar Counsel and she got the case dismissed.

Members Stepping in as Surrogates

Mark Gifford shared that the Bar continues to rely on members who willingly step in as surrogate lawyers for fellow attorneys who become incapacitated or pass away. He reported that it is becoming an increasingly large part of what the Office of Bar Counsel does. Mr. Gifford shared that we recently had a member in Sweetwater County who finally came to the conclusion that he should not be practicing law anymore. Vice President Teresa Thybo has been serving as his surrogate in order to get his practice wrapped up. Mr. Gifford praised Ms. Thybo and other volunteers who step up in these instances and noted that we never have a problem finding someone to step in as an incapacitated or deceased lawyer's surrogate.

Commissioner Gee wondered if the Bar had ever thought of trying to provide resources to aging attorneys in relation to what they should be doing with their client files.

Mark Gifford reminded the Board that there are great resources on the Bar's website—one of them being the *Planning Ahead: Succession Planning Guide* that is a free download.

Vice President Thybo asked Mr. Gifford if the Bar had ever considered making it mandatory that attorneys designate a surrogate attorney. Mark Gifford shared that it used to be mandatory under the Disciplinary Code, but it was unenforceable. Now the Bar continues to encourage lawyers—especially solo and small practitioners—to designate a surrogate and many of them do.

Commissioner Kirk shared that she received a few emails from her constituents asking why the Manlove hearing was held at Little America. Mark Gifford shared that he and the staff explored other options in Cheyenne but venues either were not available or they did not think the venues were large enough considering how much publicity had surrounded the case. He reported that they even checked into courtrooms in Cheyenne, the room where the county commissioners meet, etc. The fact that the hearing was over eight days was a significant factor in securing a location.

Commissioner Stefanie Boster, in reference to Mr. Gifford's memo in the Board materials, inquired as to how does one full-time Bar Counsel and one part-time Deputy Bar Counsel staff 87 open disciplinary cases. Mark Gifford clarified that a number of those cases are on hold due

to ongoing litigation. Mr. Gifford estimated that they are not actively investigating 1/3 of those cases because there is ongoing litigation related to the complaint. He shared that one of the factors that will hopefully result in Melinda McCorkle going to ¾ time in the fall is the fact that they are losing ground on some of their current cases. Commissioner Boster commented on the fact that Mr. Gifford also handles fee arbitrations and the unauthorized practice of law. Mr. Gifford shared that he does not spend much time on fee arbitrations, as his assistant, Erin Sidwell, works closely with the Fee Arbitration Committee Chair to administer those claims. He also shared that, fortunately, cease and desist letters put a stop to most of the unauthorized practice of law cases.

Commissioner Shawn Wilde shared that he too has received a few questions about the Manlove hearing and asked if the Bar had ever assessed the costs for a venue to a respondent attorney before. Mark Gifford shared that the Court routinely assesses not only the cost of the venue to the respondent but also the other costs associated with the hearing (i.e. transcripts, meals, audio visual, etc.). He also commented that this is required by the Court's Rules of Disciplinary Procedure. Mr. Gifford noted that this rule was in place long before he was part of the disciplinary process.

2023 Annual Meeting

Executive Director Wilkinson reminded the Board that there was discussion during the January Zoom meeting regarding possibly taking the 2023 Annual Meeting out of state. She reminded the Board that this was prompted by the fact that upon looking at hosting the 2023 Annual Meeting at Snow King Hotel & Resort in Jackson, she learned that the room rate would be more than \$600 per night. Executive Director Wilkinson shared that prior to checking into the Colorado locations that President-Elect Chris Hawks suggested, she checked with the Wyoming Supreme Court considering that the conference was a joint conference with the judiciary. She shared that she did learn from the Court that members of the judiciary would not be able to travel out of state for the conference. She shared that she brought this discussion back to the Executive Committee and it was decided to keep next year's Annual Meeting & Judicial Conference in Wyoming. She is currently working with a venue in Laramie and will follow up with more details.

Environment, Social and Corporate Governance (ESG) Policy

President Ken Barbe reminded the Board that when Mike Merback, Financial Advisor from RBC Wealth Management, joined the January meeting by phone, there was a brief conversation about the Bar adopting an ESG policy, which would limit the Bar's ability to invest in certain things that could seem questionable to some of our members. He reminded the Board that the decision in January was to table this issue so that everybody could give it more thought and bring it back for discussion today.

Commissioner Kirk shared that she understands the reason behind the policy but commented that it is getting increasingly difficult to understand and know who is behind what. She wondered how far down do you draw the line.

President Barbe agreed and shared that given our membership, how do we determine what is appropriate and what is not? He felt that an ESG policy would be more appropriate for an organization that is a private foundation.

Strategic Plan Progress Report

Executive Director Wilkinson directed the Board's attention to the progress report in the meeting materials. She shared that Cathy Duncil and Brandi Robinson have volunteered to take the lead on Goal 3, Objective A (develop an online attorney service directory) and would like to work with some Board members to achieve this. Executive Director Wilkinson let the Board know that some of them would be hearing from them.

Wyoming State Bar Support of Access to Justice

President Barbe shared that as President of the Bar, he also has the pleasure of serving on the Access to Justice Commission (ATJC), which is chaired by Justice Boomgaarden. He shared that there are a number of lawyers and judges who also serve on the ATJC. He shared that during its most recent meeting, there was discussion about funding for access to justice and the Bar's \$25,000 matching grant to the Equal Justice Wyoming Foundation was mentioned. During discussion, there was a suggestion that a greater contribution should be made by the Bar. President Barbe was aware that the Bar did much more than just the \$25,000 match, so he asked Executive Director Wilkinson and Cathy Duncil, Pro Bono Coordinator, to put some information together that was provided in the materials for today's meeting.

President Barbe shared that during the ATJC meeting, they were provided with a report going back to 2011 that showed the revenue generated from filing fees from each court. He shared that when you consider all of the contributions from the Bar over that time, the Bar is a significant contributor to access to justice efforts. President Barbe wondered about sharing this document with the ATJC members.

Executive Director Wilkinson reminded the Board that she would be making a request to allocate an additional \$10,000 to the pro bono reimbursement fund. She shared that she neglected to mention the money the Bar contributes to reimburse lawyers for their administrative costs associated with pro bono work on the document before them. She recommended that she gather some information on this topic, add it to the document and then it can be shared with the ATJC.

Cathy Duncil shared that she also knows that Angie Dorsch, Executive Director of both Equal Justice Wyoming and the Equal Justice Wyoming Foundation, would agree that the Bar is a great supporter of access to justice efforts. Ms. Duncil also mentioned that as a member of the Equal Justice Wyoming Board, she is aware that there will be a request made to increase the Bar's \$100 contribution from pro hac vice fees up to \$200 per applicant.

Executive Director Wilkinson appreciated the heads up and shared that she will encourage Angie Dorsch to provide a written request along with an overview of EJW's current financial situation and an explanation of what they plan to use the money for.

Bar Leadership Institute

President Barbe reported that he attended the Bar Leadership Institute (BLI) in Chicago last month along with President-Elect Chris Hawks, Treasurer Kelly Neville and Executive Director Wilkinson. He shared that most of what he took away from the conference is how lucky we are in Wyoming not to be dealing with issues that plague other jurisdictions. He thought it was very interesting to learn the difference between the issues faced by voluntary bars vs. mandatory bars. He shared that even though Wyoming is a mandatory bar, our Bar staff is focused on the membership and providing more and more services. President Barbe shared that one of the sessions focused on your Bar's message or your "elevator speech." He thought it would be nice to have an elevator speech for the Bar.

Executive Director Wilkinson shared that BLI is by far her favorite conference but she has not attended in person since March 2019 due to the pandemic. She shared that she was thrilled to be able to attend in person and have three members of the Executive Committee in attendance. She echoed President Barbe's sentiments about realizing how lucky we are in Wyoming.

Western States Bar Conference

Commissioner Gee reported that the Western States Bar Conference was a great conference. She reported that most of the western state bars are also dealing with diversity and inclusion issues as well as access to justice issues. She shared that most of these bars have decided that these two issues do not pose a Keller threat. She learned that some bars are starting to consider requirements for diversity and inclusion in CLE programming. Commissioner Gee participated in a discussion about making the topic of diversity more civic minded—demonstrating civility and working together to solve problems. She also learned that several bars have a diversity action plan and are specifically seeking out diversity in their leadership as well as on the bench.

2023 Jackrabbit Bar Conference

Executive Director Wilkinson reminded the Board that Wyoming will host next year's Jackrabbit Bar Conference and we need to determine who will serve as the Chancellor of the Jackrabbit Bar Conference for the year. She shared many ideas that Treasurer Kelly Neville had shared with her about hosting Jackrabbit in Wyoming next year. She also mentioned that Treasurer Neville, Vice President Thybo and Past President Weston Graham have all expressed interest in serving as Chancellor if needed. Mark Gifford shared that he really thinks Treasurer Neville should serve as the Chancellor, as her year as President of the Bar did not go as planned due to Covid and she had to cancel her in-person Annual Meeting. He reminded the Board that Ms. Neville was thrust into the President's role as a result of Judge Hibben, the Bar's President-Elect at the time, being appointed to the Bench.

After discussion, Commissioner Gee recommended having both Treasurer Neville and Vice President Thybo work on the conference together and decide between themselves who will serve as Chancellor. Executive Director Wilkinson shared that she would get a call scheduled with the two to discuss.

Legislative Update

Executive Director Wilkinson directed the Board's attention to the memo in the Board materials provided by Devon O'Connell, Chair of the Legislative Developments Committee. Mark Gifford mentioned that there was an error in regard to the update for House Bill 63. He clarified that the end result is that county attorneys will receive a bump in salary to \$145,000 beginning January 2023 and district attorneys' salaries will increase to \$100,000. Vice President Thybo asked if the Legislature approved all three new District Court judge positions. Mark Gifford shared that all were approved but only two of the positions received funding approval. Commissioner Gee shared that the new position in the Sixth Judicial District will not be funded until there is a courtroom for the new judge.

President's Report

President Barbe shared that the Bar is rolling out the new Judicial Performance Assessment and have identified a few glitches. He discussed the new process of collecting data from the Wyoming Supreme Court indicating which attorneys have appeared before each judge in the last two years. Executive Director Wilkinson reported that so far, out of the 2,367 lawyers who received their personalized list of judges, she has heard from 150 of them with discrepancies in their lists. She shared that the discrepancies are wide-ranging. She shared that she has kept track of all of the discrepancies and can share those with the Court in the event the Court wishes to dig deeper into them.

President Barbe reminded the Board that the reason we embarked on this new version was that feedback from the judges indicated some sense that they were being evaluated by attorneys who had never appeared before them but perhaps had an axe to grind. He also shared that the evaluation will be more robust. A big plus is that lawyers will no longer have to sort through every single judge and determine whether she is eligible to evaluate that judge. Now lawyers will each see their personalized lists.

President Barbe shared that he has spoken at numerous robing ceremonies for incoming judges and he has really enjoyed those.

Commissioner Boster made a motion to convene an Executive Session. Commissioner Gee seconded the motion. The motion carried unanimously. Executive Session was convened at 3:18 p.m.

Commissioner Kirk made a motion to adjourn the Executive Session. Commissioner Gee seconded the motion. Executive Session was adjourned at 3:42 p.m.

Vice President's Report

Vice President Thybo reported that she attended the National Conference of Bar Presidents Mid-Year Meeting via Zoom in February. She echoed Commissioner Gee's comments about the topics of diversity and inclusion as well as access to justice. She shared that she was very impressed with how the conference organizers were able to keep participants engaged virtually. She shared that there was also discussion on lawyer well-being as well as regulatory innovations such as non-lawyer ownership of law firms.

Vice President Thybo reported that she attended a three-county bar meeting in Evanston where Chief Justice Fox addressed the group and encouraged lawyers to apply for judicial vacancies. She also shared that she learned from the Chief Justice that the Judicial Nominating Commission is a bit backed up, so the vacancy in Evanston will open up later than originally anticipated. Vice President Thybo shared that Judges Lavery, Bluemel and Corpening were in attendance and it was nice to meet and see everybody in person.

Executive Director's Report

Executive Director Wilkinson shared that she and Cathy Duncil will begin working on the proposed budget for the next fiscal year next month. They will work with staff and get a preliminary budget put together before pulling Treasurer Neville into the discussion. In preparation for the budget process, she asked the Board if it had any direction for her going into this next fiscal year. Executive Director Wilkinson shared that they will plug in projected figures to reflect Melinda McCorkle going to $\frac{3}{4}$ time beginning in October even though that has not yet been approved by the Review and Oversight Committee or this Board. She just wants everybody to see how that change impacts the budget. After discussion, the Board directed Executive Director Wilkinson to prepare budgets to show Ms. McCorkle's time at $\frac{3}{4}$ as well as full time.

Commissioner Gee wondered about having a meeting with the Investment Committee in order to determine what our plans are for the money we have earned from our investments. She shared that a lot of times when you have investment accounts, organizations treat them like an endowment, so if there are certain things the organization cares about, they can put money towards those things. She shared that while she was attending the Western States Bar Conference, she realized that a lot of government attorneys would not be able to afford a conference like that. She wondered if the Bar could use some of its investment money to fund things like that. She felt that using investment funds would remove any Keller concerns. Mark Gifford wondered how the Bar could make adjustments to make it clear that those funds were not license fees. President Barbe wondered how far removed a return on investments would really be, as investment funds come largely from our members' annual license fees.

Commissioner Kirk asked Executive Director Wilkinson if the whole Board would attend the Jackrabbit Bar Conference when it was hosted in Wyoming next year or if the Board's travel expense reimbursement policy would still apply. Executive Director Wilkinson indicated that would be something for this Board to decide but added that she would love to see the full Board in attendance at events the Bar sponsors. After discussion, the Board directed Executive Director Wilkinson to budget for the full Board to attend next year's Jackrabbit Bar Conference.

Commissioner Gee shared that she thinks it would be good for the Bar to do a "road show" with the current President, Executive Director Wilkinson and Mark Gifford, Bar Counsel. Mark Gifford shared that this idea has been considered periodically over the years; however, it always comes down to limited time and a small staff.

Commissioner Wilde asked if there had been any consideration given to purchasing a facility or putting in a hearing room at the Bar office so we could avoid these costs in the future. Executive Director Wilkinson clarified that there is a hearing room in the current Bar building and reminded the Board that Mr. Gifford reported that a disciplinary hearing just took place there this week. Executive Director Wilkinson noted, however, that the Bar's conference room would not have been large enough for the Manlove hearing simply due to the publicity. Mark Gifford shared that he felt it would be hard to justify that type of purchase simply for one situation that drew big media attention. He wonders if the Chancery Court facility in Casper may be an option for future disciplinary hearings.

Executive Director Wilkinson reported that they have revamped the information provided on a letter of good standing. She shared that many jurisdictions are now requiring a letter of good standing in addition to a disciplinary history report. As a result of these changes, the staff met to discuss and decided to offer both to members. The letter of good standing will reflect the attorney name, attorney number, date of admission, type of admission and standing in the bar, but will not include anything about discipline. She shared that a new, separate disciplinary history report will now be available for \$10 and that will come directly from the Office of Bar Counsel.

Joshua Denhardt Request

Executive Director Wilkinson shared that Joshua Denhardt, Judge Denhardt's son, contacted her recently to see if he could share two of his products with Wyoming lawyers so they could use them free or charge and provide feedback to him in order to improve the products. She explained that the products are two platforms—a secure messaging platform and a managed file transfer platform.

Commissioner Kirk shared that for prosecutors, use of such a platform would definitely be a cost item for them to consider. Executive Director Wilkinson shared her concern that if we were to put Mr. Denhardt's products in front of Wyoming lawyers for feedback, would this be setting a precedent and other vendors would expect the same?

After discussion, the Board agreed that Mr. Denhardt could do a search for Wyoming healthcare law firms in order to find the appropriate lawyers to contact and present his platforms. Commissioner Gee indicated that since her firm did that type of work, she would be happy to speak with him as well.

Pro Bono Reimbursement Fund

Executive Director Wilkinson shared that she is seeing more requests from lawyers for reimbursement for administrative costs associated with their pro bono work. As a result, she asked for approval to move \$10,000 from the regular checking account into the pro bono reimbursement account.

Commissioner Kirk made a motion to approve the transfer of \$10,000 from the checking account to the pro bono reimbursement account. Commissioner Whiting seconded the motion. The motion carried unanimously.

Commissioners' Reports

- *First Judicial District*—Commissioner Stefanie Boster reported that she has been attending the Laramie County Bar Association meetings, which are still being held via Zoom.
- *Second Judicial District* – Commissioner Sarah Chavez Harkins reported that Judge Kricken has decided to retire so there will be a new judge in her district soon.
- *Third Judicial District*—Commissioner Jason Petri reported that his district still does not have regular county bar meetings; however, they did get notification from the District Court that it will be going back to having in-person hearings. The court does acknowledge some success with doing certain things by video—Title 25, most juvenile hearings, status conferences, etc. He shared that there will be an option in any case to request to appear by video.
- *Fifth Judicial District*—Commissioner Jennifer Kirk reported that they are not going back to in-person hearings, which is becoming a point of contention. She indicated that if you live in certain counties, you can do in-person hearings but not in others. She reported that other discussion in her district centers around the fact that Chancery Court is up and going, Evanston is getting a new judge, Casper is getting a new judge and Gillette is getting a new judge, but her county still does not have a single judge to itself. As a result, her constituents would like to be a topic of conversation in the future. She shared that the dockets in the counties with which they share are loaded. Commissioner Kirk also shared that it is an election year in her district and she anticipates that three of the four incumbents are not going to seek reelection.
- *Sixth Judicial District*—Commissioner Alison Gee reported that her district has a new District Court judge, which opened up a Circuit Court vacancy. They are still awaiting the Governor's decision on that position. She thanked President Barbe for speaking on behalf of the Bar at the robing ceremony. Commissioner Gee shared that they are experiencing an attorney shortage in Gillette. She shared that the County Attorney's Office is down to four or five attorneys.
- *Seventh Judicial District*—Commissioner Craig Silva shared that Judge Brown retires soon and the Governor's replacement should be announced any day now. His district got a new District Court judge, so it will be interesting to see who gets appointed to that.
- *Eighth Judicial District*—Commissioner Shawn Wilde shared that his district recently broke ground on the new Joint Justice Center. He also shared that it seems like there is misunderstanding about the Manlove disciplinary case—some is simply the disciplinary process and lawyers not understanding how that works, but also the letter from the Laramie County judges seems to be causing some heartburn about judges being able to make a complaint about a lawyer's incompetence. He asked how the judges would feel about a letter regarding a judge failing to enter an order in a timely matter.
- *Ninth Judicial District*—Commissioner James Whiting shared that his district is dealing with turnover on the bench as well, and it seems that things are moving slower in the courts as a result. He shared that some of the attorneys in his district are frustrated with workload and trying not to take on any new cases, but there is so much need for legal help that they end up having to take new cases. He is happy to be getting more judges, but they also need more attorneys. Commissioner Whiting shared his

appreciation for all the hard work the judges are doing and for stepping up into those jobs when other lawyers are not interested.

Committee Reports

- *Continuing Legal Education Committee*—Commissioner Silva shared that this committee has been meeting every other week for a while now and they are done with the entire Annual Meeting CLE line-up ahead of schedule. He commended Marie Ellis, CLE Director, for her hard work and for keeping the committee on track. He also shared that the Keller policy really ties the committee's hands sometimes.
- *Criminal Pattern Jury Instructions Committee*—Vice President Thybo shared that the committee now meets via Teams and has good attendance. She reported that some subcommittees are working on specific instructions to be brought back to a future meeting.

President J. Kenneth Barbe adjourned the meeting at 4:55 p.m. on Friday, April 22, 2022.

Minutes Submitted by:

Sharon Wilkinson
Executive Director