President Christopher Hawks called the meeting to order at 12:35 p.m. on Friday, April 7, 2023.

Approval of Agenda
President Hawks mentioned that Treasurer Kelly Neville was running late so he would be taking the Treasurer’s Report out of order. Commissioner Alison Gee made a motion to approve the agenda. Commissioner Kevin Kessner seconded the motion. The motion carried unanimously.

Approval of Minutes
President Hawks thanked Executive Director Sharon Wilkinson for her great job on the January meeting minutes. Commissioner James Whiting made a motion to approve the January 20th meeting minutes. Vice President Erin Weisman seconded the motion. The motion carried unanimously.

Admissions Report
Mark Gifford shared that there has been quite a bit going on with admissions lately. He reported that Cathy Duncil administered the February exam to 29 applicants and the pass rate is unfortunately disappointing. He reminded the Board that the Court adopted the military spouse rule back in 2018 and we have just admitted our first military spouse under that rule.

Mr. Gifford shared that things were especially busy on the character and fitness side of admissions. He provided an overview of two recent hearings before the Character and Fitness Committee—both resulting in the denial of the applicants’ admission to practice in Wyoming. He praised the work of that committee.
Executive Director Wilkinson shared that the staff really had to pivot the night before the February exam due to an incoming snowstorm. While the exam was originally scheduled to be administered at Laramie County Community College, Cathy Duncil learned the day before that there was a likelihood that the college would close due to the storm. As a result, the staff made arrangements to move the exam to a hotel in Cheyenne and everything went quite smoothly.

**Mandatory CLE**
Executive Director Wilkinson reported that there were 18 members still not compliant with their 2022 CLE requirements on March 1st. Those members were assessed the $300 noncompliance fee and recommended for suspension to the Wyoming Supreme Court. She shared that just yesterday, the Court suspended one member.

Executive Director Wilkinson also shared that the Supreme Court terminated the memberships of four lawyers who never cured their suspension from the 2021 CLE cycle.

**Office of Bar Counsel Report**
Mark Gifford directed the Board’s attention to his written report in the materials and mentioned how busy his office has been. He shared that there was a two-day hearing held in the office in February which resulted in a 60-day suspension recommendation that is currently pending at the Supreme Court. He shared that there is also a recommendation for an attorney’s disbarment pending at the Court and he thanked Commissioner Whiting for his assistance with this particular matter.

Mr. Gifford shared that Melinda McCorkle, Deputy Bar Counsel, has stipulated to a lawyer’s reinstatement and that is also pending at the Court. He reported that following a hearing before a panel of the Board of Professional Responsibility (BPR), it has denied a lawyer’s reinstatement request but the Court will ultimately make the final decision.

Mark Gifford mentioned that the Supreme Court issued its decision in the Manlove disciplinary case this week and the Court agreed with the BPR hearing panel’s recommendation for disbarment. He shared that he was very impressed with the order and commended the deep dive the Court did to make significant law on attorney discipline, which he welcomes. He feels that this is a giant step forward in the development of substantive law on professional responsibility. Mr. Gifford also commended Wes Reeves, Special Bar Counsel on the case, for his great work. He shared that the hearing panel was made up of Chris Hawks, John Masterson and a lay member Alish Rone. He was pleased that the Court wrote an opinion that will absolutely hold up over time. He shared that he was particularly gratified that the Court addressed Manlove’s narrative about the so-called conspiracy between his office and the judges. He shared that the opinion is full of findings and discussion outlining the significant damage she did to the criminal justice system, the courts and victims.

Mr. Gifford shared that it is noteworthy to mention that every single discipline case has been over the Chief Justice’s name. He reported that the first departure of this was in the Hinckley case because it was a divided court. He shared that the Manlove order was over Justice Fenn’s
name. Commissioner Gee shared that Justice Fenn has the unique experience to write a decision like that.

Vice President Weisman shared that she is hopeful that Mr. Gifford will do a CLE presentation for the prosecutors on this decision. Commissioner Gee recommended that he co-present with a prosecutor.

**Treasurer’s Report**
Treasurer Neville reported that we are half-way through the fiscal year and have received 80% of our projected income and spent 47% of our budgeted expenditures. She shared that investments continue to go up and down. She shared that Cathy Duncil, bookkeeper, has streamlined some of her internal processes and feels that those have made her much more efficient. Treasurer Neville encouraged the Board to be thinking about any budgetary items that may need to be factored in as we approach the Strategic Planning session in June.

Executive Director Wilkinson mentioned that line item 5090 in the budget was already at 96.2% of what was budgeted for “Upgrades for Equipment” due to the purchase of security cameras on the outside of the building as well as an internal viewing system in the building. She also reported going over the budgeted amount for the 2023 directory as a result of so many of our members having mailing addresses and physical addresses in different cities—oftentimes in different states. She shared that separating these addresses added 40 pages to the directory. Executive Director Wilkinson also shared that she was thankful that 72% of the active membership opted out of receiving a printed copy of the directory, which results in significant cost savings.

Commissioner Gee asked for some insight as to how the budget is determined for the CLE programs at Annual Meeting. Past President Ken Barbe shared that he was on the committee for a long time and, as he understands it, the committee solicits proposals from the membership—some proposed speakers expect compensation and some do not. He indicated that there is no science behind it, but Marie Ellis, CLE Director, knows how much money she has to spend and stays as close to that figure as possible. Commissioner Gee shared that if we want to keep our Annual Meeting robust, we may want to consider budgeting more for speakers.

Commissioner Gee made a motion to accept the Treasurer’s Report. Commissioner Shawn Wilde seconded the motion. The motion carried unanimously.

**Law School Endowment**
Treasurer Neville reminded the Board that those serving on the Law School Endowment Committee along with her are Commissioners Kevin Kessner and Jennifer Kirk. She shared that there will be a meeting at the end of May with Ashli Tomisich at the law school. She reported that she will be making an announcement next week at the Solo, Small & Rural Law Forum that the endowment funds will be available to use next summer, although there may be some money available in the spring of 2024 for those participating in the law school’s Legal Liftoff program.
Commissioner Gee asked if there had been any consideration of appointing a young lawyer or a law student to the committee. Treasurer Neville shared that there had not been, but she thought it was a good idea.

**Jackrabbit Bar Conference**
Treasurer Neville shared that the Jackrabbit Bar Conference will begin on Thursday, June 1st, with a welcome reception with some great sessions to follow on Friday and Saturday. She shared that she and some others attended the Western States Bar Conference recently and there is some excitement amongst that group about the conference. She reported that there will be a mural and pub crawl on Friday afternoon. She reminded the Board that the conference wraps up at noon on both days.

**Strategic Planning Progress Report**
Executive Director Wilkinson walked the Board through the progress report for the current Strategic Plan. She asked the Board for some direction on Goal 3, Objective A, which calls for the Bar to develop an online attorney service directory. She reminded the Board that Cathy Duncil and Brandi Robinson took the lead on this initiative. After gathering information from other states, they pulled some Board members into the discussion and got some good feedback. Executive Director Wilkinson shared that they then discussed this at the staff level and hit a bit of a roadblock with regard to recruiting vendors, upkeep of the list and various other aspects. She shared that the Bar’s section members often post inquiries to the section listservs asking for recommendations from their colleagues about various services around the state. She wondered if a listserv specifically for this purpose might not be a better option.

Executive Director Wilkinson mentioned that the staff got very useful feedback from Commissioner Shawn Wilde and asked Mr. Wilde if he would please discuss his concerns. Commissioner Wilde provided an overview of the email he sent to the staff.

Mark Gifford shared that he does not think lawyers would think to go to the Bar’s website to look for certain vendors. He shared that in his private practice, there were always other lawyers to ask for recommendations, especially with Wyoming being so small.

Past President Ken Barbe liked the idea of doing a listserv specifically for this purpose, as he has seen the success of this through the other listservs.

Vice President Weisman appreciates the need for this resource but agreed that to keep such a list of these vendors up to date would be very onerous.

Mark Gifford asked who would be subscribed to the listserv. Executive Director Wilkinson shared that it would be similar to the CLE Listserv. She reminded the Board that the Bar no longer sends broadcast emails regarding CLE programs, but instead offers the CLE Listserv to those who wish to receive those notices about upcoming CLE programs. She shared that she would market the vendor listserv just like the CLE one and members could decide whether they wished to subscribe.
It was agreed that Executive Director Wilkinson would direct staff to set up the “Practice Resources Listserv” and share the word with the members about how to subscribe.

Commissioner Gee wondered about Goal 3, Objective B, which directs the Bar to consider establishing a Senior Section. She shared that she is aware of a few situations where it would be helpful to have some senior lawyers help with some transition issues with older lawyers.

Mark Gifford shared that he and Jack Speight are working through such a situation with a lawyer who is way past his prime. He discussed some of the details of the situation and commented that these issues come in all varieties and it has been his experience that they are best dealt with on a case-by-case basis.

Young Lawyer Section Chair Nick Dillinger wondered if there was a way to structure a Senior Section similarly to how the Young Lawyer Section is structured—those in their first five years of practice are eligible to join the section. He thought the Board could perhaps establish a threshold for seasoned lawyers to automatically be in the Senior Section.

Vice President Weisman wondered if we should add a question to the Bar Member Survey so we could hear directly from the members to see if they even want a Senior Section. Executive Director Wilkinson shared that she liked that idea. Commissioner Gee asked Executive Director Wilkinson to see how other bars handle this and she said she would do that.

2023 Bar Member Survey
Executive Director Wilkinson directed the Board’s attention to the proposed survey in the meeting materials. There were a few suggestions for additional questions: 1) For those indicating they have practiced more than 25 years, add a question to gauge the interest in a Senior Section, 2) Ask what could be done to improve the Bar’s website.

Rural Practice Initiative
Treasurer Neville reminded the Board that President Hawks had some discussion with the Chief Justice about getting more lawyers into Wyoming’s rural areas. She shared that there was a follow-up meeting with the Chief after the discussion at the January meeting. She reported that in addition to herself, President Hawks, Executive Director Wilkinson, Mark Gifford and Ashli Tomisich from the law school were in attendance. She reported that the outcome of that meeting was to pursue a rural practice initiative with the Legislature similar to South Dakota’s program. Treasurer Neville was pleased to report that this project was selected as an interim topic for the Joint Judiciary Committee and the Bar is on the committee’s agenda for its April 25th meeting in Sheridan.

Treasurer Neville shared that Mark Gifford and Executive Director Wilkinson have been in touch with Katharine Wilkinson, who is a member of the bar and a lobbyist, to possibly consult with her on this project. She also shared that she is working with Professor Alan Romero, who serves on the Small/Solo/Rural Working Group, as he has offered to have some of his students assist with gathering some specific information pertaining to some more realistic numbers of lawyers practicing in each county. She reminded the Board that the Bar’s data is
accurate as far as what the members statuses are; however, the numbers do not reflect those attorneys still on Active status but no longer practicing.

Mark Gifford shared that this will be an all-hands-on-deck exercise, as the committee will have some very specific questions for the Bar—how much money does the Bar want? How will the success of the program be measured?

Mark Gifford reported that in his discussions with Katharine Wilkinson, he learned that it is unlikely that this project will get approval from the Legislature this year because it is a budget session; however, she still thinks it is worth the effort. He shared that Ms. Wilkinson would also like to bring Kristin Lee, also a member of the Bar and a fellow lobbyist, on board to assist with the project. It is Mr. Gifford’s hope that we can find other ways to engage Ms. Wilkinson and Ms. Lee without bringing them both on as lobbyists due to the costs for which the Bar did not budget.

Commissioner Gee shared that she spoke with her legislator about the project and he is in support of it. Mark Gifford shared that he and Katharine Wilkinson are in agreement that this would have had better luck in previous years, but there are so many new legislators and fewer lawyer legislators in today's legislature.

Commissioner Wilde asked what the criteria for the program were and also what areas of the state we are targeting. Mark Gifford shared that we will be targeting recent graduates.

Commissioner Gee shared that she thinks the Bar needs to have a committee working on this, as there are so many nuances.

**UW College of Law Update**

Commissioner Dona Playton shared that Klint Alexander, Dean of the University of Wyoming College of Law, will step down as dean in June 2024, but will join the faculty there. A search for a new dean will begin soon. She reported that her understanding is that there will be opportunities for input from various stakeholders.

Commissioner Playton reported that Professor Ken Chestek is retiring and the law school has hired two new faculty members—one will take over the Defender Aid Clinic and another will run the Energy and Natural Resources Practicum.

Commissioner Playton reported that LSAT scores of new law school applicants are up and the law school is starting to see more applications from Wyoming graduates. She also reported that the law school was chosen as a pilot site for the NextGen bar exam.

Commissioner Playton shared that the ABA accreditation review is winding up and should be complete sometime this fall.

Commissioner Gee asked if there is anything the Board can do to assist the law school in the search for a new dean or with anything else.
Commissioner Playton shared that she gathered a lot of great information from the Western States Bar Conference regarding admissions, law schools and the role they play in turning out lawyers that are practice ready. She expressed interest in inviting the Bar and members of the Board of Law Examiners (BLE) to come and speak to the first-year law students about the bar exam. She shared that the class that started this year will be the first class to take the NextGen exam in 2026.

President Hawks, who also serves on the Board of Law Examiners, shared that the BLE will be making a recommendation to the Court regarding NextGen. Executive Director Wilkinson shared that the BLE and staff will be meeting in Laramie in August to discuss NextGen and make decisions about when and how to approach the Court with a recommendation.

President Hawks shared that he serves on the NextGen Development Committee which met in San Diego in December. He reported that there was a full day's discussion on implementation and he never heard that the UW College of Law was going to be a pilot site for NextGen.

Solo/Small/Rural Law Forum Update
Treasurer Neville reported that there are 40 in-person registrants and over 250 virtual registrants for next week’s Solo/Small/Rural Law Forum. She shared that Mark Gifford is moderating a panel discussion on the positive aspects of being a rural practitioner. He will also be presenting a program titled “The Anatomy of a Grievance.”

Bar Leadership Institute (BLI) Report
Executive Director Wilkinson reported that she attended the Bar Leadership Institute (BLI) last month with President-Elect Anna Olson and Treasurer Neville. President-Elect Olson reported that she really enjoyed the conference, as there were many helpful sessions that really got her thinking about next year’s Annual Meeting. She also raved about the people she met.

Treasurer Neville shared that there was much discussion surrounding the post-Covid world how governing boards are still meeting in a hybrid model of both in-person and virtually. She shared that this situation has created the need for generational conversations about meeting etiquette.

Western States Bar Conference Report
Executive Director Wilkinson distributed the program from the Western States Bar Conference. Commissioner Playton shared that she really enjoyed the sessions she attended—especially the small bar breakout with discussions about lawyers and their responsibility in holding up the Rule of Law. She shared that she enjoyed the wellness presentation, as there was information about female lawyers that really hit home with her.

Treasurer Neville also commented on the wellness session and shared that the Utah State Bar has instituted a benefit for its members that offers six free counseling sessions for all members and their family members. Utah reports there have been 1,500 counseling sessions in the first year.
All attendees agreed that Judge Rawlinson from the Ninth Circuit Court of Appeals was a fabulous speaker. She spoke about the importance of voting rights and the importance of lawyers acting as leaders.

Commissioner Stefanie Boster shared that she liked that the conference focused on how to be a good Bar commissioner.

Executive Director Wilkinson shared that in her session with other executive directors, she learned that some courts are interested in their respective bar organizations looking into alternative paths to admission. She shared the three ways Oregon is considering offering as paths to admission.

Follow-Up: Wyoming Professional Assistance Program (WPAP) Self-Check Questionnaire
Executive Director Wilkinson referred the Board to the memo that Candice Cochran, Executive Director of WPAP, provided. She reiterated information from the memo that a total of 86 lawyers completed the self-check questionnaire. Of those, 60 logged back in to read the clinician’s response. She was pleased to report that seven lawyers had a “dialogue session” with the clinicians; however, the other numbers are very troubling. Ms. Cochran’s memo reflects that 25 attorneys were in Tier 1A, which is a high level of distress with suicidal thoughts or ideation. Thirty-four were Tier 1B, which is a high level of distress with no suicidal thoughts. Twenty-five were Tier 2, which is moderate distress and two were Tier 3, which is minimal distress. Executive Director Wilkinson shared that in her discussions with Ms. Cochran, she learned that these numbers showed a younger demographic than that of other licensed professionals who participated in the questionnaire.

Executive Director Wilkinson hopes that the wellness initiative will remain on the next Strategic Plan and wondered if the Board should consider paying for some therapy sessions like other bars are. She shared that she learned about the “Take 5” program in South Carolina where they pay for five counseling sessions for their members. And she too learned about the Unmind app at the Western States Bar Conference and plans to reach out to learn more about that benefit and the associated costs.

Commissioner Gee shared that there is more to the problem than just counseling. She wondered if we should pursue different tools to offer. Executive Director Wilkinson agreed.

Nick Dillinger shared that it is hard to determine exactly what is causing the distress and thought perhaps it is not only the legal side of their life, as so many other things factor in. He recommended asking a question about counseling sessions on the Bar Member Survey.

Commissioner Playton shared that TAVA was another benefit she learned about at the Western States Bar Conference. She also offered to share the name of a professor at Denver University who may be willing to do a program for the young lawyers.

Executive Director Wilkinson shared that she would do some research to learn more about Unmind and TAVA and will bring information to Strategic Planning in June. She also offered to
reach out to Elizabeth Wright, the Executive Director of the Utah State Bar, and learn more about its wellness budget and what prompted her Bar to partner with Unmind.

President’s Report
President Hawks reported that it has been a quiet two months. He participated virtually in the Access to Justice Commission meeting and also participated in the discussion with the Chief Justice about the rural practice initiative. President Hawks reported that he has been unable to speak at the last few judges’ robing ceremonies due to scheduling conflicts and thanked Commissioner James Whiting for speaking on his behalf at those.

President-Elect Report
President-Elect Olson reported that she received a call from Walter Eggers about Access to Justice 2.0. That group is starting a new program to provide advice on how to navigate the court system without actually giving legal advice. She will be attending more of the group’s meeting to learn more about it.

Commissioner Gee asked if the project was moving forward. President-Elect Olson shared that there are sincere efforts behind it.

Vice President’s Report
Vice President Weisman shared that she was unable to attend BLI or the Western States Bar Conference due to scheduling conflicts. She inquired about the prosecutors’ bootcamp that the staff reported on during the January meeting. Executive Director Wilkinson said she has not heard anything further from the Court.

Vice President Weisman referenced the Manlove disbarment decision and encouraged Mark Gifford to seriously consider doing a CLE program for the prosecutors.

Executive Director’s Report
Executive Director Wilkinson reported that she received notice from Delta Dental and learned that the staff’s rates for dental coverage will increase by 24%. This will go into effect June 1, 2023. She shared that this is the first increase she can recall in several years, but the coverage is still very reasonable.

Executive Director Wilkinson shared that Jenelle Olivas, the Bar’s Lawyer Referral Service (LRS) Coordinator and Clerk to the Board of Professional Responsibility, turned in her two-week notice, as she has accepted a position as Judge Froelicher’s judicial assistant. She shared that she had a good brainstorming session with the staff yesterday to discuss what they should do with this vacancy. She reported that Ms. Olivas would classify the position as part-time because LRS calls to the office are not at the volume they used to be. This is reflective of more services offered through the Bar’s website. Executive Director Wilkinson shared that she has not made any decisions about the position yet, but she would keep the Board informed as she does.
Executive Director Wilkinson shared that there is a vacancy on the Legal Aid of Wyoming Board of Directors and according to its bylaws, this Board appoints the lawyer members to that board. She shared that she put out a call for expressions of interest to the membership earlier this week and wondered if the Board was agreeable to her scheduling a Zoom meeting for the end of May to choose the appointee. She reminded the Board that since June was Strategic Planning, the next official Board meeting is not until August and she did not want Legal Aid of Wyoming to have to wait that long. All agreed to a Zoom meeting at the end of May.

Young Lawyer Section Report
Nick Dillinger shared that the section council surveyed the members of the Young Lawyer Section. Of the section’s 237 members, 56 participated in the survey. He shared that the survey asked where the members were located and in what areas they predominantly practiced. He provided an overview of those results. He reported that the section council received good feedback on practice management issues such as client control, billing practices and case management. Mr. Dillinger reported that the council will meet again next week to discuss. He asked the Board to share any recommendations for good speakers on these nuts-and-bolts issues.

Commissioners’ Reports
- **First Judicial District**—Commissioner Boster shared that Mark Gifford will be giving a presentation on the disciplinary system at next week’s Laramie County Bar Association meeting. She shared that Sylvia Hackl, the new District Attorney, is doing quite well. She also shared that she thought the Manlove ruling was a very good thing.
- **Second Judicial District**—Commissioner Playton shared that there were some emails about doing a joint meeting of the Albany and Carbon County Bar Associations, but to her knowledge, nothing came of it so she will follow up. She reported that Judge Westby is doing well and has heard very positive comments about her.
- **Third Judicial District**—no report
- **Fourth Judicial District**—no report
- **Fifth Judicial District**—Commissioner Jennifer Kirk shared that the Park County Bar has an event coming up for its members and quite a few of the attorneys in the Big Horn Basin area and Judge Overfield will be participating in a panel discussion at the high school in Basin in a few weeks. Following the discussion, the students will present some constitutional issues that they have been researching.
- **Sixth Judicial District**—Commissioner Gee shared that she has heard positive things about Judge Bush’s performance. She also shared that one of the criminal defense attorneys in town, Josh Taylor, was appointed Municipal Judge in Gillette.
- **Seventh Judicial District**—Commissioner Craig Silva shared that the Supreme Court will be having oral argument at Casper College this coming week. He and Zara Mason will be arguing. He also reported that the school district there is now reviewing books on a monthly basis and he thinks the 2024 election is going to be a big year for his school district.
- **Eighth Judicial District**—Commissioner Wilde shared that the Converse County Bar continues to host its regular breakfast meetings. He also shared that the county bar has
some money saved up and is discussing some small, local scholarships for students interested in pursuing the legal profession as a career. He reported that his district brought in a student who was participating in the Legal Liftoff program at the law school; the student came to Douglas and followed an attorney to trial for the day. Commissioner Wilde shared that a justice center is being built in Douglas, so they are wondering what will happen to the local law library. They are looking at having a new room in the new building with a computer available so the public can do legal research there. Executive Director Wilkinson offered to contact Fastcase to see what kind of a deal it may be willing to offer. Commissioner Wilde asked her to please pursue that.

- **Ninth Judicial District**—Commissioner Whiting shared that his district is getting a lot of new judges and he appreciates the opportunity to speak at those robing ceremonies on President Hawks’ behalf. He shared that he is seeing and hearing good things about the new judges. He reported that Judge LaBuda’s robing ceremony is coming up and he will also be speaking at that.

**Board/Committee Liaison Reports**

- **Civil Pattern Jury Instructions Committee**—Commissioner Kevin Kessner shared that the committee’s last meeting was December 2nd and he has not heard anything about an upcoming meeting.

- **Continuing Legal Education Committee**—Commissioner Silva shared that Marie Ellis really does all the work to get the CLE scheduled for Annual Meeting and they are done with this year’s programming ahead of schedule.

- **Criminal Pattern Jury Instructions Committee**—Commissioner Silva shared that he and Vice President Weisman both serve on this committee and it does a great job about constantly updating the instructions.

- **Juvenile Pattern Jury Instructions Committee**—Commissioner Whiting reported that the committee met last week and they are working on some updates. He commented that he does not see many jury trials in the juvenile arena.

- **Law School Liaison Committee**—Commissioner Gee shared that she got the idea from Commissioner Playton that this committee would not accomplish much in the interim period while waiting for the selection of a new dean. She thinks once the new dean is chosen, the Bar needs to be very inviting to that person.

- **Legislative Developments Committee**—Executive Director Wilkinson shared that she and Mark Gifford schedule meetings with this committee every Friday during the legislative session. They had the initial call to discuss any bills relating to the legal profession but never met after that. They do, however, keep a close eye on the bills and communicate by email as to the status of each.

President Christopher Hawks adjourned the meeting at 4:43 p.m. on Friday, April 7, 2023.

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**Minutes Submitted by:**

Sharon Wilkinson  
Executive Director