

Wyoming State Bar Board of Officers & Commissioners Meeting

April 24, 2026

Holiday Inn Express & Suites

Lander, Wyoming

- In Attendance:** P. Craig Silva, President; Alison O. Gee, President-Elect; Jennifer L. Kirk, Vice President; James T. Whiting, Past President; Christopher G. Humphrey, First Judicial District Commissioner; Kylie M. Waldrip, Second Judicial District Commissioner; Jason Petri, Third Judicial District Commissioner; Scott E. Kolpitcke, Fifth Judicial District Commissioner; Kyle A. Ferris, Sixth Judicial District Commissioner (via Zoom); Emily S. Madden, Seventh Judicial District Commissioner; Clayton M. Melinkovich, Ninth Judicial District Commissioner (via Zoom); Sharon Wilkinson, Executive Director; and Mark W. Gifford, Bar Counsel
- Absent:** Kelly M. Neville, Treasurer; Kevin K. Kessner, Fourth Judicial District Commissioner; Anne K. Wasserburger, Eighth Judicial District Commissioner; and Kayla A. Albertson, Chair, Young Lawyer Section
- Guests:** Patty Bennett, State Public Defender
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President P. Craig Silva called the meeting to order at 12:30 p.m. on Friday, April 24, 2026.

Consent Agenda

Commissioner Scott Kolpitcke made a motion to approve the Consent Agenda. Commissioner Kylie Waldrip seconded the motion. The motion carried unanimously.

Treasurer's Report

In Treasurer Kelly Neville's absence, Executive Director Sharon Wilkinson shared that she, Cathy Duncil and Treasurer Neville reviewed the Treasurer's Report but did not identify anything worth bringing to the attention of the Board. She offered to answer any questions. There were none.

President-Elect Alison Gee wondered if now was a good time to discuss the one inquiry she received regarding the increase in license fees. She shared that she, Commissioner Kevin Kessner and Executive Director Wilkinson were contacted by a member from Sheridan County who previously served on the Board as a Commissioner and past President, as he was unhappy that the Board chose to increase license fees for the 2026/2027 fiscal year. He is aware of the Bar's reserves and felt that reserves should be spent before increasing license fees. President-Elect Gee recommended preparing some talking points for this year's Annual Business Meeting and share some history about the Bar's expenditures. She reminded the Board that if you look at the actual cost to our members, the Bar is still not covering costs even if you factor in the other revenue sources generated by the staff.

Executive Director Wilkinson shared that this member did request some financial information from her, which she provided to him, but that was the only member she had heard from following the announcement. Other board members indicated they had not heard from any of their constituents.

Mark Gifford shared that this member was the driving force behind the Bar's investment policy when he served as Treasurer. Executive Director Wilkinson shared that when he was on the board, he suggested on numerous occasions that the board "freeze" the license fee so it could never be increased. While that was discussed in multiple meetings, other board members reminded him that one board cannot bind future boards to decisions like this.

Mark Gifford shared that if we are going to prepare talking points, we need to compare today to 2013, which is the last time license fees were increased. He pointed out that significant changes include a full-time Deputy Bar Counsel as well as a half-time WyLAP Director being on the payroll.

President-Elect Gee shared that this member expressed concern about Commissioner Kessner not including the notice of the license fee increase in his judicial district's talking points. Executive Director Wilkinson reported that she deliberately excluded that, as she had not yet received approval from the Wyoming Supreme Court. She explained that she never shares anything that requires Court approval until she has the Court order.

Admissions

Mark Gifford reminded the board that the Bar is preparing to transition to the NextGen Bar Exam in July 2027. As a result, the staff and the Board of Law Examiners have been meeting with the Supreme Court to discuss not only what the cut score on the exam will be but also to determine when Wyoming will begin accepting score transfers from other NextGen jurisdictions. Mr. Gifford also shared that significant rule amendments were necessary in order to accommodate NextGen, and he has worked closely with Cathy Duncil and Executive Director Wilkinson on those. His goal is to get the recommended changes to the Court next week.

Executive Director Wilkinson shared that 66 applicants are scheduled to sit for the July bar exam.

Mark Gifford reminded the board that the Character and Fitness Committee was scheduled to have a hearing with an applicant; however, that applicant withdrew his application.

Mandatory Continuing Legal Education (CLE)

Executive Director Wilkinson reported that four members were suspended for failure to comply with their 2025 CLE requirements. She shared that there are two other members who responded to the Court's Order to Show Cause and they were given until June 22nd to come into compliance.

Office of Bar Counsel Report

Mark Gifford reported that Brandon Booth started April 1st as Deputy Bar Counsel and shared what a pleasure it is having him on board. He shared that Mr. Booth is somewhat drinking from a fire hose, but he is getting his feet wet in many different aspects of the job, including the Ethics Hotline.

Mark Gifford shared that he learned last week that the Andrea Richard disciplinary case has been resolved on a confidential basis.

Mr. Gifford shared that the Court issued an order approving a stipulated 90-day suspension for an Arkansas lawyer. He also expects to see an order of suspension for a Laramie attorney next week. He also reported that he filed a formal charge against a Cheyenne lawyer this week.

Mark Gifford reported that his office has received 50 complaints so far this year. He mentioned that he is seeing an increase in complaints due to the use of artificial intelligence (AI). In these instances, the complainants are including the rules that are implicated.

Fee Arbitration

Mark Gifford shared that Casper lawyer Phil Willoughby has been serving as the Chair of the Fee Arbitration Committee and he has done a fantastic job. He reported that he received word from Mr. Willoughby that he is willing to serve in that capacity until the end of the year, but he wishes for another lawyer to take over as the Chair next year. Due to the workload, there was discussion about approaching a retired judge to see if they were willing to serve.

Client Protection Fund

Mark Gifford reported that he anticipates some claims to the Client Protection Fund due to the anticipated suspension order.

Proposed Amendments to Bylaws of the Wyoming State Bar

Mark Gifford reminded the board that at the January meeting, the board directed him to draft revisions to the Bylaws in order to reflect which members are eligible to vote for the ABA Delegates and the members of the Judicial Nominating Commission. He requested permission to put these proposed amendments out for a 30-day comment period.

President-Elect Gee made a motion to approve the Bylaws amendments as proposed and put them out for member comment. Commissioner Kolpitcke seconded the motion. The motion carried unanimously.

Proposed Amendments to Rule 6.1(b) of the Wyoming Rules of Professional Conduct

Mark Gifford shared that the Access to Justice Commission proposed some amendments to Rule 6.1 of the Wyoming Rules of Professional Conduct in order to increase pro bono work around the state. He reminded the board that those amendments had gone out for member comment and he was surprised by the response. Mr. Gifford also shared that he received word from the Supreme Court this week about a newly-adopted protocol for implementing rules. The new protocol requires the approval of the Wyoming Judicial Council, which only meets

twice per year, so the Court has let the Bar know that rule changes could take six months. Fortunately, the new protocol does not apply to the Bar's proposed rule amendments.

2025-2027 Strategic Plan Progress Report

Executive Director Wilkinson directed the board's attention to the progress report and requested that board members let her know if there is anything specific going on in their communities that helps further the Strategic Plan.

President-Elect Gee shared that she does not see anything in the progress report to show anything outward for the public to protect judicial independence. President Silva recalled that we were waiting to see what came out of the legislative session. Now that the session is over, he is not sure there is anything we need to do immediately.

Commissioner Chris Humphrey reminded the board that the Judicial Nominating Commission put out a survey about publishing the names of judicial candidates. Vice President Jennifer Kirk shared that she recently spoke at her local high school at a We the People presentation. She discussed the judicial selection process with the students because they will soon be voters.

Law School Endowment Update

Vice President Kirk shared that the endowment committee, which is made up of Treasurer Neville, herself, Commissioner Kessner and Laramie lawyer Ashli Tomisich, has met a couple of times. She shared that there was one applicant who reached out and specifically expressed interest in Hot Springs or Big Horn Counties. The committee worked very hard to get her placed but did not have any employers from those counties apply. Fortunately, this applicant found another opportunity, so she turned down the endowment. Vice President Kirk shared that the committee has decided to split the money between two applicants. She reported that there was \$4,800 available this year and the fund continues to grow.

Access to Justice Summit Report

Executive Director Wilkinson reminded the board that many stakeholders were invited to the Access to Justice Summit, which took place on the same day as the January board meeting in Laramie. She shared that some of the board members and the staff attended the morning portion of the summit but missed the afternoon portion due to the board meeting. She shared this report simply as an "FYI" following the summit.

Member Request for Active Status

Executive Director Wilkinson shared that she was approached by a member who is requesting a return to Active status after being retired for almost ten years. She reminded the board that the Bylaws of the Wyoming State Bar prohibit a retired lawyer from returning to active status if that lawyer has been on retired status for more than seven years. She also reminded the board that the Bylaws give the board the authority to "waive, modify or impose conditions upon written request for a return to active status." She directed the board's attention to the affidavit and request submitted by the retired member.

The reason for the request is that the attorney is representing himself in litigation and would like to associate with an out-of-state attorney.

Commissioner Kolpitcke asked if this retired attorney wished to become active just for this one case only. Commissioner Clayton Melinkovich shared that the retired attorney contacted him and that is his understanding. He reported that the attorney shared the difficulty he has had finding a lawyer to take this case. Commissioner Melinkovich shared that he understands what a struggle it can be to find a lawyer.

As Executive Director Wilkinson pointed out in her memo to the board, Mark Gifford reiterated that the Bar has only had one other request to waive this rule. He shared that the retired attorney has been out of practice for almost ten years and reported that by the time he retired in Wyoming, he had already lost his licenses in Hawaii and California for failure to pay his license fees. Mr. Gifford cautioned the board about unintended consequences of these types of decisions.

There was discussion about the retired attorney's options—finding other local counsel, continuing in the case pro se, or Idaho counsel seeking admission on motion.

There was discussion about tabling this issue and asking the retired attorney to present to the board at its June meeting in Pinedale. Commissioner Kolpitcke liked that idea because he had a concern about the amount of CLE the retired attorney has not done in years. Others expressed concern about tabling the issue and wondered if the board could approve the request but restrict the “active practice” to this case only. Executive Director Wilkinson expressed concern about monitoring that and wondered what the repercussions would be if the retired attorney took on other matters.

Mark Gifford shared that it is most often hazardous to make decisions on these odd situations as we do not know what it will hold for the future.

After discussion and upon a finding of good cause—that being a lack of ability to find counsel—Commissioner Melinkovich made a motion to approve the retired attorney's request to return to Active status on a conditional basis that he be considered active for the purposes of litigating the case in which he is currently involved and that he return to Retired status upon completion of said case. The motion was conditioned on the retired attorney obtaining pro hac vice counsel within 45 days. Commissioner Humphrey seconded the motion.

Mark Gifford shared his concern about this board restricting what a licensed attorney can do. He thinks this is a slippery slope.

Commissioner Emily Madden shared her concern about how long the retired attorney has been out of practice. She mentioned that she has only been licensed for seven years and she witnessed considerable changes in the practice of law during the pandemic—not to mention AI. She shared that if the board is going to approve his request, she would like to see more conditions.

President Silva asked Commissioner Melinkovich if he would feel differently about this situation had the retired attorney not called him. Commissioner Melinkovich shared that he feels an obligation to help one of his constituents and he feels like the conditions protect the public.

After much discussion, President Silva asked what the retired attorney's appeals rights would be if the board denies the request. Mark Gifford and Executive Director Wilkinson shared that there is no mention of an appeal in the bylaws.

President Silva summed up the discussion by pointing out that the board does not have indication that the retired attorney has any CLE to support readmittance; it does not have a clear understanding of why the retired attorney cannot find another attorney to enter an appearance; and the retired attorney is successfully tackling the case pro se. He shared that collectively this does not show good cause as to why the request should be approved.

Mark Gifford reported that a better option would be to encourage the out-of-state counsel to apply for admission on motion in Wyoming.

The motion failed.

Legislative Update

President Silva shared that during the legislative session, he participated in both the Bar's Legislative Developments Committee discussions and DLAW meetings. He was pleased that the Bar and the judicial branch fared so well. He shared that so many people he has visited with were furious about how some in the legislature treated the University of Wyoming. He hopes he will see some changes soon and discussed some of the potential legislative candidates he hopes will have success in their elections.

President Silva shared that the Natrona County Bar will host a post-legislature session and coffee chat with gubernatorial candidate Eric Barlow on May 8th.

Western States Bar Conference Update

Executive Director Wilkinson shared that Vice President Kirk, Commissioners Humphrey, Waldrip and Ferris, Young Lawyer Section Chair Kayla Albertson, Mark Gifford and herself attended the Western States Bar Conference earlier in the month. She invited any of the attendees to share their feedback.

Vice President Kirk shared that John Mudd, the Executive Director of the State Bar of Montana, gave a talk about the history of the legal profession that was fascinating. She also appreciated that a representative from the Uniform Law Commission came to discuss the importance of that body.

Commissioner Waldrip shared that her biggest take-away was that all of the western states are struggling with the same rural practice issues. Vice President Kirk agreed and discussed the rural struggles specifically in Alaska.

Mark Gifford shared that he really enjoyed the small bar break-out session. All agreed that the program on the legal community's response to the Maui fires was very interesting.

Public Defender's Office Update

President-Elect Gee welcomed Patty Bennett, State Public Defender, to the meeting and thanked her for coming. She shared that the board has been focused on the staffing issues at the Public Defender's office for the past few years.

Patty Bennett shared that she has made some recent changes in the office—specifically, she lost two attorneys in the Gillette office. She reported having two contractors stepping in to take on that case load; however, they are still unable to take misdemeanor cases in Campbell County. She shared that the cost of appointing all private attorneys is very burdensome and that is not sustainable at all. She reported having four open positions in Gillette and mentioned that she could potentially hire more contract attorneys, but she does not feel that that is not being a good steward of tax-payer money. Ideally, she would like to hire two full-time attorneys. Ms. Bennett reported that she has a vacancy in Sheridan and will soon have one in Rock Springs. Following on-campus interviews that she and Brandon Booth, former State Public Defender, did a few months ago, she lost two attorneys to Montana and Alaska, as she simply cannot compete with the salaries they were offered.

President-Elect Gee reported speaking with the Governor's office and learning that pay increases are coming. She asked Ms. Bennett what the salaries would be. Patty Bennett indicated that she did not know yet but thinks they will be approximately \$70,000 annually.

Patty Bennett mentioned that law school is more academic focused than clinic focused. As a result, the clinics serving as feeders in the Public Defender's Office and prosecutors' office is less than what it used to be. She would like to change the narrative and put a system in place for those who want to be trial lawyers. She would like her office to be a training program for trial lawyers, as after three years of training, these lawyers would be equipped to be a trial lawyer at any firm. She feels it is important to get prosecutors and public defenders into the law school.

Patty Bennett reported having conversations with the Governor's office about doing a similar program for the legal profession as what Wyoming does for the medical profession—the WWAMI Program (Washington, Wyoming, Alaska, Montana and Idaho). She shared that she cringes every time somebody uses the term “crisis” to describe the staffing situation in the Public Defender's Office. She shared that the judges realize that everybody has a part to play in this situation and that it is a very positive atmosphere in her office.

President-Elect Gee shared that she does not think the “crisis” comments are directed towards the Public Defender's Office specifically, but more to the constitutional crisis that has been going on for so long. She shared that as attorneys in Wyoming, this matters very much.

Vice President Kirk asked Ms. Bennett if there is anything that Grant Smith, Director of the Defender Aid Clinic at the UW College of Law, could do through his clinic—perhaps triage

lower-level cases. Patty Bennett shared that she and Brandon Booth met with Professor Smith and his clinic is taking on a few cases, as that is one of her office's feeder programs.

Vice President Kirk shared that she had a new contract with the Public Defender's Office that started April 1st. She shared that the judges have been very kind to her as she gets used to things on the defense side as opposed to her former role as a prosecutor. She encouraged all attorneys to pick up a case or two.

When asked what Ms. Bennett needed from the board, she shared that lawyers talking to other lawyers in their communities is a big help. She also shared that she is happy to come to any community to discuss the situation and encourage lawyers to get involved. She shared that the judges are also willing to speak.

Mark Gifford observed that it is difficult to get law students and the faculty to engage. President Silva shared that the Summer Trial Institute has a good turn-out, but he agreed with Mr. Gifford about not getting engagement from the law students.

President-Elect Gee thanked Ms. Bennett for coming to address these issues with the board. Ms. Bennett shared that if there is ever legislation to assist with student loans, she would appreciate the board's support of that, as she is prohibited from lobbying.

Solo, Small & Rural Law Forum Update

Executive Director Wilkinson shared that a total of 272 people registered for the Solo, Small & Rural Law Forum last week. Twenty-nine of those were in person and 243 were virtual registrants. She shared that weather unfortunately impacted the in-person attendance, but fortunately, those that could not get to Laramie could attend virtually.

Judicial Performance Evaluation Committee

Executive Director Wilkinson reminded the board that it agreed that the Bar would conduct the 2026 Judicial Poll one last time before handing it off to the judicial branch to take over. She shared that Chief Justice Boomgaarden asked the board to appoint three attorneys to serve on a committee to explore potential ways to improve the poll and the board appointed President-Elect Gee, Vice President Kirk and Devon O'Connell, a former member of the Judicial Nominating Commission. Executive Director Wilkinson shared that she was contacted by the Court a few months ago and was asked if the Bar could narrow those to two members only who would serve as non-voting members of the Judicial Performance Evaluation Committee. Vice President Kirk graciously stepped aside, so President-Elect Gee and Devon O'Connell serve on the committee.

President-Elect Gee shared that the committee recently had a presentation from the National Center for State Courts (NCSC) on various options to assess judicial performance. The committee asked NCSC if it had a recommendation for an effective tool but nothing definitive was determined. She shared that the decisions the committee ultimately makes will have to be approved by the Wyoming Judicial Council. President-Elect Gee shared that she made it clear to her fellow committee members that the Bar discontinuing the poll was not at all reflective

of thinking the poll is not important. She reported to the committee that the response rate on the poll has gotten so low that it is statistically irrelevant. She shared that she and Ms. O'Connell are grateful to be involved in the conversation.

Expanding Legal Licensing

President-Elect Gee shared that following her attendance at the Access to Justice Summit in January, she received a call from MacKenzie Williams, member of the Access to Justice Commission, who informed her that she had signed up to serve on a committee that will explore alternative licensing. She shared that she thought Mark Gifford and/or Brandon Booth would be effective on this committee as well. She also thinks it's important to have a practitioner who does family law or housing rights serve on the committee. Mark Gifford shared that he would be happy to represent the Bar on the committee, as he has been paying attention to what other states are doing in this area. Executive Director Wilkinson recommended inviting Paige Anderson, the Chair of the Children & Family Law Section, to serve on the committee.

Executive Director's Report

Executive Director Wilkinson reminded the board that the Bar will be terminating its partnership with vLex Fastcase effective May 1st and transitioning solely to Decisis as the legal research member benefit. She shared that when she put notice out to the membership about this earlier in the month, she received several positive comments about Decisis and heard no grumbling about not offering vLex Fastcase. She also reminded the board that offering Decisis will be a significant cost saving to the Bar.

Executive Director Wilkinson reminded the board that the Jackrabbit Bar Conference will take place June 4-6th in Santa Fe, New Mexico. She shared that she had only heard from three board members interested in attending and reminded the board that the policy allows for six members to attend. She encouraged any other board members who were interested in attending to let her know.

Commissioners' Reports

- ***First Judicial District*** – Commissioner Humphrey reported that the Circuit Court in Cheyenne is now e-filing. He also reported that there are more jury trials in Cheyenne than usual. He discussed the sheriff in Cheyenne doing active campaigns for enforcement of foreign truck drivers in the area. He reported that there are ongoing discussions about getting the Laramie County Bar Association back on track and are considering meeting quarterly. He has heard from the District Court judges and they are interested in participating. He would like to host a lunch meeting to get the officers elected.
- ***Second Judicial District*** – Commissioner Waldrip reported that they had a happy hour get-together in Carbon County and eight people were in attendance, which included retired and practicing attorneys.
- ***Third Judicial District*** – Commissioner Jason Petri shared that Judge Lavery retired last week and he attended his retirement party, which was well attended. He reported that

Judge Stith was sworn in the next day. He also reported that Judge Stout was appointed as the new Circuit Court judge in his district. He shared that the lawyers in Lincoln County have been trying to schedule a get-together, but there has been no progress in Sweetwater County. He shared that Judge Deering was sworn in as the Circuit Court judge in Kemmerer and Commissioner Petri spoke on behalf of the Bar. Finally, Commissioner Petri shared that the Clerk of District Court in Sweetwater County resigned and Amanda Chetterbock has stepped into that role.

- ***Fifth Judicial District*** – Commissioner Kolpitcke reported that the Park County Bar Association is going to have a meeting next week. They plan to take the official annual photo on the courthouse steps and then have lunch at the Irma. He reported that their Circuit Court is going live with FSX in mid-May. He also shared that they may have a contested election for the Clerk of District Court, which he has never seen before.
- ***Sixth Judicial District*** – Commissioner Kyle Ferris shared that there has been turnover at the Public Defender’s office in Gillette, but he thinks that office is getting to be in better shape.
- ***Seventh Judicial District*** – Commissioner Madden shared that things are fairly quiet in Casper. She shared that there is a CLE coming up next week and they will be hosting a breakfast with Eric Barlow.
- ***Ninth Judicial District*** – Commissioner Melinkovich shared that Sublette County has had visits from two candidates for governor. He was fortunate to have good conversations with both candidates and asked specific questions about the judiciary. Unfortunately, he thinks that one of the candidates lacks understanding about what lawyers and judges do, but he acknowledged that it was nice having people in his district campaigning. He reported that he was unable to attend the Teton County Bar Association meeting a few months ago, but he plans to get up there soon.

Board/Committee Liaison Reports

- ***Civil Pattern Jury Instructions Committee*** – Commissioner Madden shared that there is a meeting on May 6th, so there is a call out to the committee to get edits submitted to the committee.
- ***CLE Committee*** – President Silva shared that since Marie Ellis, CLE Director, has been out of pocket, he has been stepping up to help as much as he can. This year’s Annual Meeting will be sports-oriented considering we are hosting it at the Wyo Sports Ranch. He shared that we have not secured a keynote speaker yet, but Jonny Kulow, a swimmer from Lander, may be interested.
- ***Criminal Pattern Jury Instructions Committee*** – Commissioner Melinkovich shared that this committee is very active under Judge Robinson’s leadership. He shared that this committee is a true reflection on what attorneys in Wyoming can accomplish when they work together.
- ***Law School Liaison Committee*** – President-Elect Gee shared that there has not been a meeting since she last reported and there is not one scheduled.

President P. Craig Silva adjourned the meeting at 3:58 p.m. on Friday, April 24, 2026.

Minutes Submitted by:

Sharon Wilkinson
Executive Director