

Wyoming State Bar Board of Officers & Commissioners Meeting

August 4, 2017
Holiday Inn Express & Suites
Lander, Wyoming

- In Attendance:** John A. Masterson, President; Robert C. Jarosh, President-Elect; Weston T. Graham, Treasurer; Melinda S. McCorkle, First Judicial District Commissioner; Kelly M. Neville, Second Judicial District Commissioner; Teresa S. Thybo, Third Judicial District Commissioner; Nicholas T. Haderlie, Fourth Judicial District Commissioner (by phone); James L. Edwards, Sixth Judicial District Commissioner; J. Kenneth Barbe, Seventh Judicial District Commissioner; Nathaniel S. Hibben, Eighth Judicial District Commissioner; Amy Iberlin, Young Lawyers Section Vice President (by phone); Sharon Wilkinson, Executive Director; Mark Gifford, Bar Counsel and Cathy Duncil, Admissions Director
- Absent:** Devon P. O'Connell, Immediate Past President; Erika M. Nash, Vice President; Bobbi D. Overfield, Fifth Judicial District Commissioner and Neal R. Stelting, Ninth Judicial District Commissioner
- Guests:** Hon. Michael Golden (Ret.), Review & Oversight Committee Chair
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President John Masterson called the meeting to order at 12:30 p.m. on Friday, August 4, 2017.

President Masterson recognized Charlie Chapin, the incoming Commissioner for the Seventh Judicial District and welcomed him to the meeting.

Approval of Agenda

President Masterson shared that Hon. Michael Golden (Ret.), Chair of the Review & Oversight Committee, was in attendance to present the proposed budget for the Office of Bar Counsel as well as to discuss the performance evaluation of Bar Counsel. He noted a change on the agenda so we could accommodate Justice Golden's discussion items towards the beginning of the meeting.

Executive Director Sharon Wilkinson requested some additions to the agenda. Those were: 1) approval of the July 24, 2017, meeting minutes; 2) a proposal to offer MyCase as a member benefit; 3) renewal of the pledge agreement with the University of Wyoming Foundation; 4) update on the Bar's contribution to Equal Justice Wyoming from the pro hac vice fees; and 5) concerns relating to the College Business Park where the Wyoming State Bar is housed.

Commissioner Edwards made a motion to approve the agenda as amended. Commissioner Neville seconded the motion. The motion carried unanimously.

Approval of Minutes

President Masterson asked for comments or corrections to any of the meeting minutes. Commissioner McCorkle made a motion to approve all three sets of minutes. Commissioner Barbe seconded the motion. The motion carried unanimously.

President Masterson asked for any questions or comments regarding the Executive Committee meeting minutes. There were none.

Treasurer's Report

Treasurer Graham shared that the Bar has approximately 85% of its budgeted income for the fiscal year, which is pretty typical at this point. The Bar is at 68% of its budgeted expenses. He reported on the cash on hand and noted that we are seeing more utilization of the pro bono fund. He shared that the Bar is in about as good of a financial state as it has ever been.

Commissioner Edwards made a motion to accept the Treasurer's Report. Commissioner Neville seconded the motion. The motion carried unanimously.

Regulatory Updates

Admissions

President Masterson, who also serves on the Board of Law Examiners (BLE), reported that the BLE spent the last two days grading the July Bar exams here in Lander. There were 61 applicants who sat for the exam. Of those, three were granted special testing accommodations. There was discussion about the Uniform Bar Exam (UBE) decreasing the number of people taking the exam, as more applicants are transferring their scores.

President Masterson shared that he recently had a conversation with Klint Alexander, Dean of the University of Wyoming College of Law. The Dean shared that the incoming law school class will include 78 students and he feels the quality of the students, though always good, is a bit higher. The Dean also shared that nationally the LSAT has an all-time high number of people to take it in September.

Mark Gifford, Bar Counsel, shared that he and Cathy Duncil, Admissions Director, work together to investigate applicant files when there is cause for concern. He noted that they have spent significant time on special testing accommodations, as there is quite an uptick in the number of applicants claiming to have Attention Deficit Hyperactivity Disorder (ADHD). Most of these applicants have been granted accommodations in college and law school and they expect it to continue to increase. Mr. Gifford shared that in response to this, the Bar has engaged in a relationship with a clinical psychologist at Syracuse University, a nationally renowned expert in ADHD, to review these accommodations requests. He noted that the Bar is professionalizing this process like everything else.

After discussion about the increase in requests for special testing accommodations, Mr. Gifford walked the Board members through the process of how ADHD accommodation requests are vetted.

Cathy Duncil reminded the Board members that the new admittee reception is scheduled for September 29, 2017, at the Old West Museum in Cheyenne. Treasurer Weston Graham and Chris Hawks, member of the BLE, will both be speaking. Ms. Duncil encouraged all Board members to attend.

President Masterson shared that Chris Hawks is ending his second term on the Board of Law Examiners. He commented on what a great loss this will be for the BLE. He mentioned that the BLE is a high-functioning board and it will be sad to see Mr. Hawks go.

Mandatory Continuing Legal Education (CLE)

Executive Director Wilkinson reported that the Board of CLE granted extensions to two lawyers who requested more time to complete their 2016 CLE requirements. Those extensions expired June 30, 2017. Unfortunately, neither attorney fulfilled their requirements by the June date; therefore, Executive Director Wilkinson was obligated to recommend the suspension of their licenses. Today, August 4, 2017, was the deadline for each attorney to respond to the Order to Show Cause.

Executive Director Wilkinson reported that Marie Ellis, CLE Director, recently attended a national CLE conference. Casper attorney Steve Emery, member of the Board of CLE, also attended the conference. There was much discussion at the conference regarding a new type of CLE delivery, which is based on “gaming.” She explained that an attorney will access the “CLE” on a computer or mobile device and work his/her way through legal scenarios. The attorney will not be able to advance until he/she answers the questions correctly. Executive Director Wilkinson shared that CLE regulators are concerned about what type of CLE credit this would be and how many hours would be granted.

Office of Bar Counsel

Attorney Discipline

Mark Gifford shared that the most significant development in his office since the April meeting is the number of disciplinary complaints has increased dramatically, mostly owing to one Casper attorney who abandoned his practice in late May. To date, the Office of Bar Counsel has heard from 20 clients this attorney abandoned. Mr. Gifford and Bar staff are working to place these clients with new counsel. Mr. Gifford reported that this attorney was immediately suspended last month. As a result of this, they are bracing themselves for the Client Protection Fund claims that could be forthcoming. Mr. Gifford shared that a detective from the Casper police department is active in the investigation of this attorney’s conduct.

Mr. Gifford reported that the Board of Professional Responsibility (BPR) has had three disciplinary hearings so far this year with one more scheduled in October. He noted that this is a heavy load for the BPR.

Fee Arbitration Program

Mr. Gifford reported that the new Fee Arbitration Program is nine months old and it is running very well. He is pleased that the new system provides for in-person hearings. He reported that currently there is a good pool of arbitrators.

Unauthorized Practice of Law (UPL)

While the written report in the Board notebook indicates there are no pending UPL matters, Mr. Gifford reported that he recently received a complaint regarding a non-lawyer who has generated several UPL complaints over the years. On a different note, Mr. Gifford reported that the Supreme Court's UPL decision involving Razor City Realty has generated much chatter in the realtor community. He reported that Sheridan attorney Mike Lansing recently published an excellent article for the Wyoming Association of Realtors which will be reprinted in the *Wyoming Lawyer*.

Client Protection Fund

Mr. Gifford reminded the Board members that the Supreme Court adopted the new Client Protection Fund rules and those went into effect July 1, 2017. He noted that the new rules removed the prohibition about marketing the program.

President Masterson asked Mr. Gifford how the number of disciplinary cases this year compares to recent years. He also inquired as to whether or not Mr. Gifford felt like he had the necessary resources to handle his caseload. Mr. Gifford shared that he sees his job as too busy for just one lawyer; however, it could not keep two lawyers busy. He reminded the Board that he also has the option of engaging special bar counsel. He reported that there are currently two cases assigned to special bar counsel due to Mr. Gifford having conflict in both cases.

Executive Director Wilkinson shared that she has recently transitioned Client Protection Fund from Shannon Howshar, Assistant to Bar Counsel, to Brandi Robinson, Lawyer Referral Coordinator/Clerk to the BPR. The transition was simply to lighten Ms. Howshar's load.

Executive Session

President-Elect Jarosh made a motion to move into Executive Session. Commissioner Hibben seconded the motion. The motion carried unanimously. Executive Session convened at 1:12 p.m.

President-Elect Jarosh made a motion to move out of Executive Session. Commissioner Neville seconded the motion. The motion carried unanimously.

President Masterson commended Mark Gifford for his excellent performance and rated it as an A+.

Approval of Strategic Plan

Executive Director Wilkinson shared that she met with the staff to do a thorough review of the Strategic Plan. As a result of that meeting, she had some recommended changes to the Plan. She walked through the changes. Commissioner Barbe suggested changing the wording on the 2019 Bar Member Survey so that members can indicate that they are aware of a member benefit but they do not utilize it.

President-Elect Jarosh made a motion to approve the Strategic Plan as amended. Commissioner Hibben seconded the motion. The motion carried unanimously.

Investment Plan

Mr. Gifford shared that the materials before the Board today are the recycled materials that were in the April board notebook just to reorient everybody on the subject. Mr. Gifford has reached out to an investment advisor in Casper—Mike Merback with RBC Wealth Management. He has provided some materials and Mr. Gifford feels that the next step is to schedule a conference call with Mr. Merback and members of the Executive Committee to discuss future plans. President-Elect Jarosh mentioned that if we need further help, Jeff Prince at Edward Jones in Cheyenne recently helped the Stride Learning Center set up an investment plan. Treasurer Graham suggested talking to both Mike Merback and Jeff Prince since they have familiarity with non-profits. Executive Director Wilkinson was directed to schedule calls with both investment advisors. Also on the call will be Treasurer Graham, Mark Gifford, Cathy Duncil and Executive Director Wilkinson.

West Edge Collective/Green House Data Update

Executive Director Wilkinson reported that the Bar's membership data and website have successfully been moved from the Wyoming Supreme Court to Green House Data. She reminded the Board that the original launch date for the new website was April 6, 2017; however, due to the unexpected news from the Court that it would no longer house any of the Bar's data or its website, she and West Edge Collective had to work to find a new host for the Bar's data and website. The contract negotiations with the new provider, the troubleshooting with the Court and the transition itself necessarily pulled West Edge Collective's resources off of the new website. Executive Director Wilkinson reported that the Bar will launch its new website September 6, 2017.

Bar Leadership Institute

Treasurer Graham reminded the Board that it had budgeted \$6,000 to host a Wyoming-specific Bar Leadership Institute for this current fiscal year. As a result, he has offered to spearhead this to get it off the ground. He is trying to connect the Wyoming State Bar with county bars and section leaders. Treasurer Graham recommended forming a task force to lead this effort. President Masterson encouraged Board members to contact Treasurer Graham if they are interesting in being on the task force.

President-Elect Jarosh inquired as to whether Treasurer Graham was open to having attorneys outside of the Board of Officers & Commissioners serve on the taskforce. Treasurer Graham said he was. President-Elect Jarosh shared that several lawyers are graduates of the Leadership Wyoming program, and he thought that might benefit this process.

Annual Member Benefit Review

Executive Director Wilkinson reminded the Board that it expressed interest during the April meeting in doing an annual review of the member benefits the Bar offers its members. As a result, Executive Director Wilkinson prepared a table showing each member benefit provider, the original contract date, renewal information, termination information, revenue generated and the providers' involvement with the Bar.

Executive Director Wilkinson shared that she is pleased with all of them with the exception of ESQSites123.com. In reviewing the agreement, the provider is not fulfilling its part of the agreement, as the Bar is supposed to receive usage reports as well as ¼-page ads to run in the *Wyoming Lawyer*. In addition, the contact is not responsive to Executive Director Wilkinson's inquiries.

Treasurer Graham recommended the Bar cut its ties with ESQSites123.com and look around at what else is available. Executive Director Wilkinson agreed to terminate the agreement with ESQSitesesq.com. Treasurer Graham reported that Executive Director Wilkinson often shares member comments about the member benefits with him and he wondered if we should get permission to pass the comment along to the benefit provider so they can use testimonials in their marketing efforts.

2017/2018 Proposed Budget

Treasurer Graham shared that Executive Director Wilkinson requested budget proposals from the Energy & Natural Resources Section and the Young Lawyers Section. He noted that the figures included in the proposed budget for those sections are the dollar amounts requested; however, the decision is for this Board to make.

Energy & Natural Resources Section Budget Proposal

After discussion about the Energy & Natural Resources (ENR) Section budget request, Executive Director Wilkinson clarified that the ENR Section Summit generates revenue that not only covers the expenses of the Summit but also results in a net profit. She shared the actual figures from the 2016 and 2017 Summits.

President Masterson shared that he is in favor of the section's budget proposal. He feels that Wyoming is an energy and natural resources state and we will always be rooted in those. The Bar should recognize that. He also recognizes that this section has some traction and some momentum going. Executive Director Wilkinson shared that there is an election taking place now to elect the new Chair of the ENR Section. Blake Klinkner and Ryan Lance are the candidates for Chair. Executive Director Wilkinson shared that Erin Murphy, current Chair of the section and the one who submitted the proposed budget, is running for Secretary-Treasurer of the Section. Because she is running unopposed, she will continue to be involved

in the section. Commissioner Haderlie encouraged the Board to approve the budget proposal and echoed President Masterson's sentiments about the importance of the section.

Commissioner McCorkle made a motion to approve the ENR Section budget proposal. Commissioner Thybo seconded the motion. The motion carried unanimously.

Young Lawyers Section Budget Proposal

Amy Iberlin, Vice President of the Young Lawyers Section (YLS), joined the meeting via teleconference. Ms. Iberlin walked the Board through the recent activities of the YLS. She shared that they are asking for the Bar's assistance to fund the ABA YLD Regional Summit in Jackson, Wyoming, in the spring of 2018.

President Masterson inquired about the wellness CLEs mentioned in the budget proposal. He wondered if the YLS had coordinated with the Wyoming Lawyer Assistance Program (WyLAP) on any of the programs. Ms. Iberlin indicated that she was not aware of such coordination but was willing to look into this for future programs.

President Masterson inquired as to whether the application for the ABA YLD Regional Summit had been submitted to the ABA for approval. Executive Director Wilkinson indicated that it had not yet been submitted. When she inquired about the process, she was told the ABA typically does not make the decision until early in the year. Executive Director Wilkinson expressed concern with the timing of this, as the conference takes place in April.

Commissioner McCorkle shared that as long as the conference planning was not too much of a burden on the Bar staff, she thinks it is something that this Board should support.

Mark Gifford shared concern about allocation of Bar funds for ABA-related travel due to our *Keller* policy. He reminded the Board that it needs to be cautious when embarking on projects that do not advance the core functions of the Bar. In preparation for this meeting, Mr. Gifford prepared a chart that shows expenditures for YLS travel beginning in 2015. He noted that up until two years ago, the Bar had not paid for any travel for section members. He shared that due to the Strategic Planning goal to get the other sections active, he is concerned that more sections will submit similar budget requests. Mr. Gifford cautioned the Board to be aware of where the Bar may be headed with this precedent.

President-Elect Jarosh shared that he thinks the direction the YLS is taking is exciting and the current leadership is effective. He does share Mr. Gifford's concerns, however. He agrees that we should anticipate an increase in section budget requests. He wondered what the criteria would be to approve or disapprove a request. He specifically shared a concern with the Summit being an ABA-related conference. He is aware of many lawyers that have philosophical objections to the ABA as a whole.

Commissioner Hibben shared that he thinks Mr. Gifford's and President-Elect Jarosh's concerns are definitely something to keep an eye on. He is on board with supporting the Regional Summit in Jackson. Commissioner Hibben asked Mr. Gifford if it made a difference in regard to

Keller if the Bar recoups the expenses of the Summit. Mr. Gifford shared that he thinks it does change the *Keller* analysis; however, for him, the Summit isn't as big of a concern as the other proposed out-of-state travel is. President-Elect Jarosh clarified that he is not concerned about the Summit either, but he is concerned about future requests for out-of-state travel from other sections.

Commissioner Barbe shared that he thinks the YLS is different from other sections because by supporting that section, we are building the future of the Bar. He shared that he can justify to an extent YLS members being allowed to attend conferences, but it may only be beneficial for the person who attends and not for the entire section.

Commissioner McCorkle suggested putting some conditions on the money that is allocated to the person attending a conference so that it benefits the Bar and the section. She shared that she would hate for this Board to eliminate opportunities now because of something that may happen in the future.

Executive Director Wilkinson agreed with Ms. Iberlin when she indicated this has been a “rebuilding” year for the Young Lawyers Section and the leadership is fresh off a strategic planning session. As a result, Executive Director Wilkinson wonders how the out-of-state travel for a few section leaders would truly benefit the section or the Bar as a whole. She feels their focus at this point should be the section's new Strategic Plan, in-state activities with community service projects and CLE programs that benefit everybody—not just a select few.

When asked what her thoughts were about everybody's comments, Ms. Iberlin shared that she understands the concerns about out-of-state travel. She admitted that she is unaware how those benefit the section or the Bar as a whole.

Commissioner Haderlie shared that the Bar should only be sending those in a leadership position with the expectation that they bring back something.

Treasurer Graham shared that he has served as the liaison of the YLS since spring. He feels that the section is rebuilding and going in the right direction. He sees this budget request as a three-fold request: 1) the ABA YLD Regional Summit—He shared that he is inclined to approve the Summit budget request; 2) \$2,000 for general operating budget—Treasurer Graham shared that this money would be used for CLEs, lunch with a judge and local events; 3) travel to ABA-affiliated conferences—Treasurer Graham reminded the Board that we have *Keller* issues any time we say “ABA.” He shared that while there is a procedure to address any member concerns about these expenses, he is hesitant to approve this portion of the budget request.

President-Elect Jarosh shared that his other concern is the time it may take to approve 13 section budget requests. He feels this is a slippery slope.

Commissioner McCorkle made a motion to approve the \$13,620 budget request for the ABA YLD Regional Summit. Commissioner Edwards seconded the motion. The motion carried unanimously.

Commissioner Neville made a motion to approve the \$2,000 operational budget for the Young Lawyers Section. Commissioner Thybo seconded the motion. The motion carried unanimously.

Commissioner McCorkle made a motion to approve the \$4,500 budget request for the ABA-related travel. Commissioner Barbe seconded the motion. The motion failed.

Treasurer Graham made a motion to approve \$3,000 for the YLS to allocate between these conferences as section leadership deems appropriate. Commissioner Barbe seconded the motion. After much discussion, the motion failed.

2017/2018 Proposed Budget

Treasurer Graham shared that the proposed budget for the next fiscal year is a “red” budget. He walked through each line item in the budget and there was discussion.

Commissioner Edwards inquired as to whether or not we need to provide any explanation to the membership due to the fact that the Board is considering putting out a budget showing that we are planning to spend more than what we plan to bring in. Treasurer Graham shared that the explanation is simply that we are attempting to spend down our reserves.

Commissioner Barbe shared that he thinks a negative budget is appropriate when you have a unique project you are trying to fund. Commissioner Barbe thinks the website/database rebuild is that “project” in that it is \$140,000. That will not however be a recurring cost. Executive Director Wilkinson shared that the items in the Strategic Plan also factored into increased expenses.

Mr. Gifford shared that there is an expense that he anticipates that is not reflected in the proposed budget and that is the remodeling of the building. He shared that the staff has met with an architect twice to begin the process, but we do not know a dollar amount yet. Treasurer Graham clarified that he expects to use cash on hand for such an expense.

Executive Session

President-Elect Jarosh made a motion to move into Executive Session to discuss payroll. Commissioner Hibben seconded the motion. The motion carried unanimously. Executive Session convened at 4:48 p.m.

President-Elect Jarosh made a motion to increase the Admissions Director’s salary by \$5,000, increase the Executive Director’s salary by 3% and authorize the Executive Director to give salary increases up to 3% to all staff including the Admissions Director, but give Mark Gifford the authority to give up to a 3% salary increase to the Assistant to Bar Counsel. Treasurer Graham seconded the motion. The motion carried unanimously.

President Masterson noted that Commissioner McCorkle recused herself from this vote. President-Elect Jarosh made a motion to give Bar Counsel a \$5,000 bonus to be grossed up. Commissioner Neville seconded the motion. The motion carried unanimously. Treasurer Graham noted that Mark Gifford's bonus is to be given immediately in this fiscal year and the salary increases are effective October 1, 2017.

Commissioner Barbe made a motion to approve the proposed budget as amended. Commissioner Hibben seconded the motion. The motion carried unanimously.

Uniform Section Bylaws

Mark Gifford reminded the Board that at the Strategic Planning session in June, there was discussion about uniform section bylaws. He reported that Executive Director Wilkinson put an inquiry out on her Chief Staff Executives listserve to gather other states' section bylaws. Arizona and Idaho have specific uniform section bylaws. As a result Mr. Gifford drafted proposed uniform section bylaws for the Wyoming State Bar's sections and asked for approval from the Board. After discussion, Commissioner Edwards made a motion to approve the proposed uniform section bylaws. Commissioner McCorkle seconded the motion. The motion carried unanimously.

2017/2018 Board Meeting Schedule

Executive Director Wilkinson walked the Board through the proposed schedule for next year's meeting. Executive Director Wilkinson recommended changing the April 2018 meeting to Jackson so that it could run in conjunction with the ABA YLD Regional Summit. Some voiced concern about the young lawyers wanting the Summit to take place in early April due to the ski season; however, that could conflict with the Easter holiday. Executive Director Wilkinson will touch base with the YLS leadership to gauge their thoughts on the specific dates. Specific dates were chosen for all other meetings. Executive Director Wilkinson will update the schedule, share it with the Board members and post the meeting dates and locations on the Board members' calendars.

President's Report

President Masterson encouraged the Officers and Commissioners to financially support the Annual Meeting. He shared that there is no minimum required; any dollar amount would be much appreciated. He also encouraged them to solicit sponsorships from others in their communities.

President-Elect's Report

President-Elect Jarosh shared that Executive Director Wilkinson has shared a long list of the various recommendations he will need to make to the Supreme Court for Boards/Committees. He also shared that he is already looking into a keynote speaker for the 2018 Annual Meeting. He reported that he and Executive Director Wilkinson are going to ask Chief Justice Burke to send invitation letters to the U.S. Supreme Court justices. President-Elect Jarosh asked if anybody had any ideas for keynote speakers or if anybody has any connections with the U.S. Supreme Court to please let him know.

Executive Director's Report

Rejuvenating Sections

Executive Director Wilkinson reported that she began an effort earlier this summer to get the dormant sections active. She referred the Board to the progress report she prepared for this meeting and discussed each section's progress.

MyCase Member Benefit Proposal

Executive Director Wilkinson reminded the Board that she pitched this same proposal to the Board at the August 2015 meeting, and the Board denied to offer MyCase as a member benefit. She shared that her contact at MyCase asked for reconsideration when she learned that the Bar was offering both Clio and CosmoLex, competitors of MyCase, as a member benefit. She distributed the updated proposal, the royalty agreement and a comparison sheet of all cloud-based law practice management software providers. Treasurer Graham shared that his firm has recently gone through the review of these companies in order to select one for his firm. He shared that the third-party integrations were the most important aspect in the comparisons.

Commissioner Neville made a motion to approve MyCase as a member benefit with the final agreement to be approved by the Executive Committee. Commissioner Barbe seconded the motion. The motion carried unanimously.

License Fee Statement

Executive Director Wilkinson shared that she is proposing two additions to the license fee statement. The first is to gather demographics on whether members are government attorneys or not. The other section is to collect data as to their firm size. She explained that this data will help the Bar with more target marketing for its products and services.

Treasurer Graham made a motion to approve the proposed changes to the license fee statement. President-Elect Jarosh seconded the motion. The motion carried unanimously.

Pro Hac Vice Contribution

Executive Director Wilkinson reminded the Board that in August 2015, it approved a request from Angie Dorsch, Executive Director of Equal Justice Wyoming (EJW), to increase the \$300 pro hac vice fee and contribute the increase on each fee to Equal Justice Wyoming. The Board approved a \$200 increase making the total pro hac vice fee \$500. Two-hundred dollars of each fee would be contributed to EJW. Since that time, the Bar has contributed more than \$64,000 to EJW. Executive Director Wilkinson contacted Ms. Dorsch to inquire as to how these funds have been used. Executive Director Wilkinson directed the Board's attention to an e-mail that included Ms. Dorsch's response.

University of Wyoming Foundation Pledge Agreement

Executive Director Wilkinson reminded the Board that the Bar signed a pledge agreement with the University of Wyoming Foundation. As a result, the Bar contributed \$2,000 to the Foundation each year for three years. The pledge agreement we signed in 2014 has expired, and Executive Director Wilkinson has been approached by the Foundation to sign a new three-year agreement. She noted that the amount of the contribution remains the same. She is seeking approval to sign the new agreement.

Commissioner Edwards made a motion to approve the University of Wyoming foundation pledge agreement. Commissioner McCorkle seconded the motion. The motion carried unanimously.

Owners' Association Issues

Executive Director Wilkinson reminded the Board that the Bar office is housed in College Business Park and the association bylaws require us to belong to the association. Mark Gifford shared that the governing structure is not working for our current situation. He reported that funds are being misapplied if not converted. He recommended that the Board authorize the Executive Committee to approve Mr. Gifford take appropriate action to protect the Bar's investment in the building upon more information being shared with the Executive Committee members. Commissioner Barbe asked if the Bar would hire a lawyer to prosecute the case. Mr. Gifford clarified that he would initially prosecute the matter and shared that if it went to trial, we would potentially hire an attorney. Treasurer Graham shared that in light of the significant concerns by staff, he felt that it was worth protecting the Bar's investment.

Commissioner Edwards made a motion to authorize Bar Counsel to take appropriate action subject to Executive Committee approval. Commissioner Thybo seconded the motion. The motion carried unanimously.

Diversity & Inclusion Committee

Commissioner Thybo, who serves as the liaison to the Diversity & Inclusion Committee, reported extensively on a recent meeting of the Committee. After much discussion, there was a recommendation to appoint Immediate Past President Devon O'Connell to the serve as a member of the Committee. Commissioner Thybo will touch base with Ms. O'Connell to see if she is willing to serve on the Committee. President-Elect Jarosh shared that he thinks it would be helpful if Mark Gifford or Executive Director Wilkinson also contacted Ms. O'Connell.

Bench-Bar Relations Committee—no report

Client Protection Fund Committee – Treasurer Graham referred to Mark Gifford's earlier report.

Civil Pattern Jury Instructions Committee – President-Elect Jarosh reported that a supplement was released this week.

Law School Liaison Committee – Executive Director Wilkinson reported that the Joint Revenue Committee is once again considering a bill to tax legal services. The Committee met in Thermopolis August 2, 2017, with this topic on the agenda. Thermopolis attorney Mike Messenger attended the meeting at Executive Director Wilkinson’s request. She provided some talking points she had received from the ABA. Mr. Messenger will provide a full report that Executive Director Wilkinson will share with this Board.

There being no further discussion, President Masterson adjourned the meeting at 6:42 p.m. on Friday, August 4, 2017.

Minutes Submitted by:

Sharon Wilkinson
Executive Director