

# Wyoming State Bar Board of Officers & Commissioners Meeting

August 17, 2018  
Day's Inn  
Thermopolis, Wyoming

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<b>In Attendance:</b>	Robert C. Jarosh, President; Weston T. Graham, President-Elect; Erika M. Nash, Vice President; J. Kenneth Barbe, Treasurer; Melinda S. McCorkle, First Judicial District Commissioner; Kelly M. Neville, Second Judicial District Commissioner (by phone); Teresa S. Thybo, Third Judicial District Commissioner; Jeremy K. Kisling, Fourth Judicial District Commissioner (by phone); James L. Edwards, Sixth Judicial District Commissioner; Charles S. Chapin, Seventh Judicial District Commissioner; Nathaniel S. Hibben, Eighth Judicial District Commissioner; James T. Whiting, Ninth Judicial District Commissioner (by phone); Holli J. Welch, Young Lawyers Section Chair; Sharon Wilkinson, Executive Director; Mark Gifford, Bar Counsel and Cathy Duncil, Admissions Director/Bookkeeper
<b>Absent:</b>	John A. Masterson, Immediate Past President and R. Scott Kath, Fifth Judicial District Commissioner
<b>Guests:</b>	Michael Golden, Chair of the Review & Oversight Committee; Ray Macchia, Executive Director of Legal Aid of Wyoming; Jessica Keith, Legal Aid of Wyoming Board Chair; and Rebecca Wright, Young Lawyers Section Chair-Elect

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President Rob Jarosh convened the meeting at 12:30 p.m. on Friday, August 17, 2018.

## Approval of Agenda

Executive Director Sharon Wilkinson requested that two items be added to the agenda: 1) consideration of a new member benefit, Identillect and 2) consideration of a proposal from Flood Marketing for the public awareness campaign regarding lawyers' public service to their communities. Commissioner Chapin made a motion to approve the additions to the agenda. Treasurer Barbe seconded the motion. The motion carried unanimously.

## Annual Investment Report

President Jarosh welcomed Mike Merback, the Bar's financial advisor from RBC Wealth Management. Mr. Merback reminded the Board that the investments on which he will be reporting are fairly new, as we only started the investment account five months ago. He shared that he will provide the Board with a summary every quarter in addition to the annual report. Mr. Merback provided an overview of the portfolio and reported that the performance is up 2.16%, the approximate annualized performance is +5.18% and the Dow Jones is up 3.2%, which is a little low.

Mr. Merback shared that he and Executive Director Wilkinson decided that rather than putting \$500,000 in one account and have RBC Wealth Management manage them, they put \$150,000 in an account with Eaton Vance, the largest bond management company in the country. He explained that utilizing Eaton Vance saves the Bar approximately \$850/year (.4%) on fees and commented that Eaton Vance has outperformed their index, and he is very pleased with them.

Mr. Merback distributed the Portfolio Review and provided an overview of the Bar's Current vs. Prior Asset Allocation. He shared that the investments are made up of 40% stocks, 60% fixed income and cash. He shared that the only thing the Bar has with Eaton Vance is U.S. investment-grade corporate bonds.

Mr. Merback shared that there are many opinions as to where the market is headed. His prediction is that the market is going to start back up from here. Typically, an election year is positive for the stock market.

He shared a concern that one asset class is significantly underperforming and that is emerging markets. He shared that this is due to the fear of the tariff war. He reported that larger economies can weather this, but emerging markets cannot. As a result, Mr. Merback recommended that the Bar pull out of that investment. He recommended putting those funds into a utility index paying 6%. He shared that there may come a day that we go back to an emerging market index, but he is more comfortable getting out of that for a while.

President-Elect Graham thanked Mr. Merback for coming to the meeting and reiterated that when the Board began discussions about investing some of the Bar's money, it was adamant about knowing and seeing who was actually managing the investments. He thanked Mr. Merback for his guidance on the investments.

### **Approval of Minutes**

Commissioner Edwards made a motion to approve the minutes from the June 15, 2018, meeting. Commissioner McCorkle seconded the motion. The motion carried unanimously.

### **Executive Committee Minutes**

President Rob Jarosh directed the Board's attention to the minutes from the Executive Committee conference calls and encouraged any Board member to ask any questions.

### **Treasurer's Report**

Treasurer Barbe directed the Board's attention to the "Cash on Hand" report and mentioned that he is pleased that the investments are going in a positive direction. Treasurer Barbe reported that the Bar has received 101% of its projected income for FY 2017-2018 with approximately six more weeks in the fiscal year. Treasurer Barbe reminded the Board that we budgeted for a \$92,000 shortfall at the end of the fiscal year; however, we are currently 299% above budget. Executive Director Wilkinson reminded the Board that expenses will increase due to Annual Meeting. Treasurer Barbe shared that there was nothing surprising on the balance sheet and that the Bar's total equity is just under \$2 million.

Mark Gifford, Bar Counsel, reported that the Bar's fixed assets are \$200,000 greater than the last balance sheet because the building renovation expenses have been capitalized. He shared that those expenses will not hit our bottom line this year but will be reflected in increased depreciation expense during coming years.

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

### **Proposed FY 2018/2019 Budget**

Treasurer Barbe noted that there had been a recent addition to the proposed budget that was recommended by the staff and shared that it impacts the Board of Professional Responsibility's budget. The staff is recommending an increase of \$10,000 for travel and disciplinary hearing-related expenses. Treasurer Barbe also reminded the Board that payroll expenses have not been adjusted in the proposed budget, as that discussion will be included in today's meeting.

Executive Director Wilkinson shared that one of her priorities that she and the staff could not fit in the proposed budget was a rebranding project for the Bar. She reported that the Bar's logo is 13 years old, and she feels it is time to rebrand and freshen up the image of the Bar. President-Elect Graham shared that he was supportive of the rebranding and thinks it is long overdue.

President-Elect Graham made a motion to increase the allocation for Marketing and Special Projects to \$75,000. This would include the cost of rebranding. Vice President Nash seconded the motion. The motion carried unanimously.

Mark Gifford provided an overview on the financial status of Equal Justice Wyoming (EJW) and the Equal Justice Wyoming Foundation (EJWF) and outlined how the Bar contributes to the finances of each. With respect to EJW, he shared that funds accumulated from assessment of the \$10 fee on court filings exceeded \$3.5 million as of September 2017. He shared that as an agency of the Court, EJW is required to obtain spending authority at each budget session of the Legislature. EJW's spending authority for the 2018-2020 biennium is \$2.9 million.

Mr. Gifford reminded the Board that in 2015, Angie Dorsch, Executive Director of both organizations, requested that the Bar increase the Pro Hac Vice application fee from \$300 to \$500 and contribute the additional \$200 per fee to EJW. The request was approved. Mr. Gifford reported that since then, those funds have been accumulating in a special revenue account housed at the State Treasurer's office and held in reserve. He confirmed this with Kristi Racines, the Court's Chief Financial Officer. There was discussion about this Board's obligation to see that the Bar's financial resources are going to good use, especially when the budgeting process always includes competing projects. Given EJW's current financial condition, including that funds received from the Bar continue to accumulate in a reserve, Mr. Gifford questioned the wisdom and need for continuing the \$200 contribution to EJW. He encouraged the Board to revisit this and assess where we are with the financial needs of the Bar. Cathy Duncil, Bookkeeper, shared that if the Bar were to retain the full \$500 application fee, it would result in an approximate \$30,000 per year increase in revenue.

There was discussion about the difference between EJW and EJWF and it was noted that EJWF's principal source of funding is from interest on IOLTA accounts. Mr. Gifford reported that the most recent financial data available for EJWF indicates that it has cash reserves of \$1.3 million. For its last fiscal year, EJWF reported revenues of \$138,000, most of which came from IOLTA program interest. Of that amount, \$72,000 was expended, \$45,000 of which was grants, resulting in unexpected net income of \$65,000. Mr. Gifford reported that EJWF receives approximately \$11,000 per year as a result of the optional contribution line item on the Bar's license fee statement. He also reminded the Board that EJWF has requested funds for the past two years for the Liberty Day program, and that request has been made again this year. That request exceeds \$9,000 per year. Mr. Gifford suggested revisiting the Bar's support of Liberty Day considering the current financial status of EJWF as well as the Bar's current funding needs.

President-Elect Graham made a motion to convene an Executive Session. Vice President Nash seconded the motion. The motion carried unanimously. Executive Session convened at 2:31 p.m.

Commissioner Chapin made a motion to adjourn Executive Session at 4:22 p.m. Commissioner Thybo seconded the motion. The motion carried unanimously.

President-Elect Graham made a motion to give salary increases based on what was agreed upon during the Executive Session. Commissioner Chapin seconded the motion. Vice President Nash wanted to acknowledge on the record that the Board is anticipating an approximate 15% increase in health insurance premiums and that all are in agreement that the Bar should continue paying 100% of these benefits for all Bar employees wishing to take advantage of the benefit. The motion carried unanimously. Commissioner McCorkle abstained from the vote.

President-Elect Graham shared a concern that the projected revenue from investments in the proposed budget was too low. He recommended increasing the total projected revenue from investments from \$8,000 to \$20,000. President-Elect Graham also shared that he was in agreement with Mr. Gifford about the Bar's funding of Liberty Day and is in support of eliminating that.

President-Elect Graham made a motion to increase the projected investment revenue to \$20,000 and eliminate the Liberty Day funding. Vice President Nash seconded the motion. Mark Gifford shared that he sees where President-Elect Graham is going with the investments revenue; however, he reminded the Board that when Mike Merback shared that the Bar has seen a \$10,000 increase, it is the growth in the value of the investments. He shared that that is reflected as unrealized gains and is not cash to us; it is an accounting entry. Mr. Gifford also shared that the Bar does receive dividends on the equities and interest on the bonds and realizes gains or losses when we sell stocks or bonds. Mr. Gifford shared that he is concerned about projecting higher revenues on investments because that is money we are likely to receive in the coming year. Cathy Duncil shared that we are only budgeting for the dividend interest income. President Jarosh suggested that Mr. Gifford and Ms. Duncil visit with Wayne Herr, the Bar's accountant, about the correct way to reflect the investment income and

expenses on the budget. President-Elect Graham withdrew the motion to increase investment income to \$20,000 until we receive clarification.

President-Elect Graham made a motion to decrease the contribution to Equal Justice Wyoming to \$100 per Pro Hac Vice application fee. Treasurer Barbe seconded the motion. Mr. Gifford reported that the impact to the budget would be to increase that line item in the proposed budget by \$15,000. Commissioner McCorkle shared that when the Board approved the \$200 contribution to EJW, the purpose was to help EJW provide legal services to low-income citizens. She wondered if anybody had any interest in redirecting the \$100 to another legal aid organization. Mark Gifford cautioned against the Bar getting into the business of granting money to non-profit organizations. President Jarosh agreed and shared that there are many non-profit organizations out there that would be deserving of grant funds. The motion to decrease the contribution to EJW on Pro Hac Vice application fees to \$100 carried unanimously.

Commissioner McCorkle made a motion to contribute \$100 of the Pro Hac Vice application fees to Legal Aid of Wyoming. President-Elect Graham again discussed the difference between EJW and EJWF. He shared that both organizations have great missions. He reminded the Board that with \$100 per Pro Hac Vice application fee being contributed to EJW, Legal Aid of Wyoming will continue to be a beneficiary of those funds as an EJW grantee. The motion died for lack of a second.

President-Elect Graham asked Executive Director Wilkinson if she anticipated any other structural changes to the Bar office that needed to be allocated for in the proposed budget. Executive Director Wilkinson responded that she could not think of any.

### **Section Budget Requests**

**Young Lawyers Section** - President Jarosh directed the Board's attention to the section budget requests. Rebecca Wright, Chair-Elect of the Young Lawyers Section (YLS), shared that she and Holli Welch prepared the proposed budget request. She reported that for FY 2018/2019, the section would like to focus on section engagement and participation. She mentioned that the YLS is the largest section with over 300 members. Ms. Wright shared some of her frustration with lack of engagement amongst the YLS Council members and section members as a whole. She hopes to improve that in the coming year.

Ms. Wright hopes to continue the "Lunch with a Judge" programs and plans to host four of those across the state next year. She mentioned that the cost is minimal, as the section pays for the participants' lunch.

Ms. Wright reminded the Board that newly-admitted lawyers are automatically enrolled in the YLS if they meet the eligibility requirements. As a way to welcome the new members and let them know they are a new member of the section, she would like to provide a branded welcome gift to section members that could accompany a letter introducing the section leadership and market the section. She recommended giving a nice mug to the estimated 200

newly-admitted lawyers each year and shared that the estimated cost is \$10 per mug for a total of \$2,000.

In summary, Ms. Wright requested \$3,500 for the general operating Young Lawyers Section budget and an additional \$1,000 to be allocated to the sponsorship of the ABA/YLD Rocky Mountain States Regional Summit. Ms. Wright acknowledged the fact that the section's current budget was \$2,000 and they have only spent over \$200. She attributed this to lack of follow-through on the part of the YLS Council.

Holli Welch, YLS Chair, shared that she feels very strongly that we put some money towards the ABA Regional Summit. She feels the regional conferences are an easy sell because they offer an entirely new network for young lawyers. She shared that she felt it was unfair to accept the money from the other states for this year's Summit that Wyoming hosted but not provide any sponsorship funds for next year's summit, which will be hosted in Colorado.

Mark Gifford reminded the Board that in 2015, it decided to suspend dues for YLS membership. He wondered if the auto-enroll has impacted the lack of participation from section members. Mr. Gifford asked Ms. Welch if she had considered doing any fundraising to raise the \$1,000 sponsorship for the regional summit. Ms. Welch indicated that she had not.

President-Elect Graham made a motion to approve a YLS budget of \$1,000 for networking, social events and the Lunch with a Judge programs. He shared that the \$2,500 cost for the coffee mugs would not be added to his motion. He also mentioned that he was opposed to the \$1,000 sponsorship for the ABA/YLD Rocky Mountain States Regional Summit. Commissioner Edwards seconded the motion. The motion carried.

Commissioner Thybo expressed concern about stepping away from the ABA/YLD Rocky Mountain States Regional Summit sponsorship considering the fact that Wyoming hosted the Summit this year. She expressed support of including funds for the sponsorship.

Commissioner Chapin made a motion to approve the \$1,000 sponsorship of the ABA/YLD Rocky Mountain Regional Summit and asked for a friendly amendment to President-Elect Graham's motion. President-Elect Graham shared that he felt strongly about making specific motions to allocate funds for certain projects. As a result, he rejected the request for a friendly motion. Commissioner Thybo seconded the motion for a YLS budget of \$1,000 for FY 2018-2019. The motion carried unanimously.

**Business Law Section** – President Jarosh shared that the section has requested \$2,000 for a networking event at the 2019 Annual Meeting in Jackson. President-Elect Graham made a motion to approve \$1,000 for the budget. Commissioner Chapin seconded the motion. Commissioner McCorkle shared her concern that while the Board continues to encourage the sections to remain active, when they come to us for funding, we continue to cut the requests. She shared that she would rather approve the entire budget request and see if they spend it. Commissioner McCorkle requested a friendly amendment to President-Elect Graham's motion. President-Elect Graham shared that he looks at it from an accounting standpoint. He would

rather allocate money where it is going to be spent. He shared that he would rather see an additional request for 2019/20 with specific numbers. President-Elect Graham rejected the request for a friendly amendment. The motion for a Business Law Section budget of \$1,000 carried.

***Criminal Justice Section*** – President Jarosh shared that this section is requesting \$3,500 for next year's budget. Executive Director Wilkinson reminded the Board that CLE costs do not come out of the section budgets; there is a separate CLE programs budget for those expenses. As a result, President-Elect Graham made a motion to approve \$1,500 for the section. Commissioner Hibben seconded the motion. The motion carried unanimously.

***Energy & Natural Resources Section*** – President Jarosh shared that this section is requesting \$1,500 for its general operating fund and \$8,000 to be budgeted for the annual ENR Section Summit. Executive Director Wilkinson reminded the Board that this section has hosted three successful section summits and those have always resulted in a net income for the Bar. She noted that \$8,000 has also been projected for the revenue side of the summit.

Vice President Nash made a motion to approve \$1,500 for the ENR Section's general operating fund and \$8,000 for the ENR Section Summit. Commissioner Hibben seconded the motion. The motion carried unanimously.

***Federal Bar Section*** – President Jarosh shared that this section is requesting \$2,000. Commissioner McCorkle made a motion to accept the request. Commissioner Edwards seconded the motion. The motion carried. (\*see page 8)

### **Legal Aid of Wyoming Requests**

Ray Macchia, Executive Director of Legal Aid of Wyoming (LAW), introduced Jessica Keith, a laymember who currently serves as Chair of the Legal Aid of Wyoming Board. Mr. Macchia provided an overview of the services Legal Aid of Wyoming provides to the public. He also mentioned that LAW will be doing a legal needs assessment and encouraged the Board to share anything that it wishes to include in the assessment.

Mr. Macchia made a request to include an optional contribution line item on the Bar's annual license fee statement to benefit Legal Aid of Wyoming. He also requested that LAW be allowed to purchase Wyoming State Bar members' mailing addresses in electronic format instead of the paper mailing labels. He shared that when LAW does its annual end-of-year giving request, applying the actual mailing labels to envelopes increases the cost of the mailing by about \$1,000. Mr. Macchia even offered to enter into a contract with the Bar to ensure the data would be used for a one-time only purpose. He also indicated that LAW would be willing to pay the full cost of the mailing labels for the electronic data.

President Jarosh thanked Mr. Macchia and Ms. Keith for coming and shared that the Board would take the requests under advisement.

Executive Director Wilkinson spoke in opposition of both requests made the previous day by Legal Aid of Wyoming (LAW). She reminded the Board that LAW is already a beneficiary of the optional contribution on the license fee statement that goes to the Equal Justice Wyoming Foundation. She also shared her concern about other deserving non-profit organizations that could make a similar request. In regard to the request for electronic data, Executive Director Wilkinson shared that she receives these requests on a continual basis from many organizations wanting to market their products and services to Wyoming lawyers.

Vice President Nash shared that as a mandatory bar, it is important that the Board is sensitive to how we use the members' data. Commissioner Chapin suggested implementing a policy to address the issue of sharing electronic data.

Treasurer Barbe shared that he would like to see if there is a way to provide mailing labels electronically that can only be used once.

After discussion, Commissioner Chapin made a motion to decline both requests from Legal Aid of Wyoming. Commissioner Edwards seconded the motion. The motion carried unanimously.

Commissioner Chapin made a motion to implement a policy for maintenance and distribution of confidential information. President-Elect Graham seconded the motion. Vice President Nash felt that we should look into what other Bars do in regard to this. Commissioner McCorkle suggested also implementing a policy to govern to whom and for what purpose the members' mailing labels are sold. The motion carried unanimously. Executive Director Wilkinson will present a policy for the Board's consideration at the November meeting.

President-Elect Graham made a motion to adjourn. Commissioner Chapin seconded the motion. The motion carried unanimously. The meeting was adjourned at 5:42 p.m. on Friday, August 17, 2018.

President Rob Jarosh convened the meeting at 8:00 a.m. on Saturday, August 18, 2018.

President Jarosh asked if any Board member wished to make any adjustments to yesterday's decisions relating to the section budget requests. Mark Gifford shared that he was concerned that the decisions made late in the day yesterday seemed erratic. Vice President Nash recommended reducing the amount of the Federal Bar Section's budget. She agreed with Mr. Gifford that there needs to be more consistency amongst the section budgets.

\*After discussion, Treasurer Barbe made a motion to reduce the Federal Bar Section's budget to \$1,000. President-Elect Graham seconded the motion. The motion carried unanimously.

### **Admissions**

Cathy Duncil, Admissions Director, reported that 68 applicants took the bar exam in July and for the first time in quite some time, she did not have any applicants requesting special testing accommodations. She reported that she is currently working on over 200 pending applications, which is a significant increase compared to what she is typically facing.



Ms. Duncil reported that the Wyoming Supreme Court has scheduled the swearing-in ceremony for September 28<sup>th</sup>. The Bar will be hosting a reception afterwards at the Botanical Gardens in Cheyenne and Ms. Duncil encouraged all Board members to attend.

Mark Gifford reminded the Board that at the June meeting, he reported that at President-Elect Graham's urging, the staff had proposed a rule to the Board of Law Examiners (BLE) that makes it simpler for military spouses to get licensed in Wyoming. Mr. Gifford shared that the BLE was in agreement and the Wyoming Supreme Court approved those rules; they will become effective October 1<sup>st</sup>. Mr. Gifford also reminded the Board that the Legislature recently removed term limits for BLE members. That opened the door to propose a rule to the Court to potentially increase the size of the BLE. That rule has been approved by the Court. Executive Director Wilkinson suggested that she and Mark Gifford work out a plan to market the fact that the military spouse rule will be an option to the membership.

### **Mandatory CLE**

Executive Director Wilkinson reported that she had recently recommended to the Supreme Court that it terminate two memberships in the Bar as a result of those members being suspended for one year and never petitioning for reinstatement. The Court issued Orders of Withdrawal for both members.

### **Office of Bar Counsel**

*Attorney Discipline* - Mark Gifford reported that he and his assistant continue to be very busy with discipline. He reported that there has been an uptick in the last year or so. His July 27, 2018, report included in the Board notebook indicated that he had received 87 complaints with 63 matters under investigation. He currently has received 103 complaints and 68 matters under investigation. Mr. Gifford reported that there are currently seven matters in formal charge, which is an all-time high for him. He commented that these matters involve lawyers simply not functioning and shared that that concerns him very much. President Jarosh asked Mr. Gifford how much bigger the caseload has to get before the Board needs to look at increasing staff to address the workload. Mr. Gifford reminded the Board that he has the option of using special bar counsel, and that does help alleviate the workload somewhat. Mr. Gifford shared that he does not believe increasing staff is advisable at this point.

*Fee Arbitration* – Mr. Gifford continues to be very pleased with the new rules and how this program is operating. He shared that Shannon Howshar, his assistant, takes the lead and only comes to him when needed. He and Shannon both feel that Tim Woznick continues to be a very effective chair.

*Unauthorized Practice of Law (UPL)* – Mr. Gifford reported that he is starting to see more UPL activity. He shared that there is a pending consent decree at the Supreme Court.

*Client Protection Fund* – Mr. Gifford shared that there was no new activity to report.

Mark Gifford reported that he recently attended the National Organization of Bar Counsel (NOBC) conference in Chicago. He was pleased that other states are following in Wyoming's footsteps and offering an Ethics Hotline.

Mr. Gifford reported that the work he did on the State Auditor's letter provided the foundation for a lengthy article he submitted for the Wyoming Law Review and it has been accepted for publication. He shared that it will be the first detailed treatment of how the Wyoming State Bar got to where it is today. Executive Director Wilkinson reported that she is considering publishing it as an insert in an issue of the *Wyoming Lawyer*.

### **Strategic Plan Update**

**Objective 1.5** – (Educational outreach campaign to those members 65 and older) Mark Gifford reported that we continue to offer the Planning Ahead guide as a free download on the Bar website. He reminded the Board that there used to be a rule requiring solo practitioners to designate a surrogate attorney; however, the rule was eliminated due to no effective method to enforce the rule. Executive Director Wilkinson shared that she obtained a good article from ALPS regarding tail coverage and recommended putting a packet together that could perhaps be distributed to those members 65 and over.

**Objective 2.3** – (public relations campaign showing community-building impact of lawyers) Executive Director Wilkinson distributed a proposal from Flood Marketing out of Sheridan. She provided an overview of the proposal. President-Elect Graham thought it was a good proposal but shared that he was not ready to commit today. He wants to explore this a little more.

Executive Director Wilkinson also reminded the Board that she has been in touch with AdBay out of Casper and they have pitched a similar proposal although informally.

President Jarosh asked Executive Director Wilkinson to please share videos of past campaigns that both Flood Marketing and AdBay have done so that the Board can review those. President Jarosh would also like to see a formal proposal from AdBay so that the Board can compare the two and discuss during the September Board meeting.

### **Member Benefits Annual Overview**

Executive Director Wilkinson directed the Board's attention to the summary she provided to show each benefit provider, the original contract date, renewal dates, termination options, usage reports, the total amount of revenue each benefit provider has brought in and ways the provider interacts with the Bar. She asked if there were any providers for which the Board wished to terminate the Bar's relationship. There were none.

### **New Member Benefit - Identillect**

Executive Director Wilkinson distributed her overview of a new member benefit, Identillect, and explained that it is an e-mail encryption software that would assist lawyers in complying with regulatory requirements concerning the protection of client data. President-Elect Graham shared that he views this proposal as a no-brainer and mentioned that as a solo, it is difficult

to stay abreast on all of the regulatory requirements. President Jarosh recommended that Executive Director Wilkinson seek testimonials from other Bars who offer this as a member benefit and bring that information back for discussion at the September Board meeting.

### **Revision to ByLaws – Annual Judicial District Meetings**

Commissioner Edwards reminded the Board that the Bylaws currently require all commissioners to host an annual meeting in his/her judicial district. He shared that he has tried every year to have a judicial district meeting and gets very little participation. Commissioner Edwards is wondering if the mandatory aspect of those meetings should be removed from the Bylaws. Commissioner Thybo shared that she experiences the same thing in her judicial district—very little participation. She shared that as a result of Commissioners regularly informing their constituents of things going on, there is no need to have an in-person meeting. Commissioner McCorkle shared that she has over 500 lawyers in her district, and so few people show up. She also mentioned that if her constituents have a concern, they contact her directly.

Commissioner McCorkle made a motion to remove (b)(iii) from Article III, Section 4 of the Bylaws of the Wyoming State Bar and add (c) to include the option of hosting a meeting. Treasurer Barbe seconded the motion. Commissioner Hibben shared that he will oppose the motion because he enjoys the meetings and has luck getting people together. The motion carried. Mark Gifford suggested coming back to the Board with a comprehensive set of proposed changes to the Bylaws at the November meeting. The Board indicated its agreement with this approach.

### **Wyoming State Bar Advertising Policy**

Executive Director Wilkinson shared that for the first time she was approached by a gubernatorial candidate to run a political ad in the *Wyoming Lawyer*. She shared that upon conferring with Mark Gifford about the matter, both agreed that the placement of such an ad goes against the Bar's Keller policy. As a result, Executive Director Wilkinson and Mark Gifford are proposing to implement a policy governing this. After review, Commissioner Chapin made a motion to approve the proposal as edited. Vice President Nash seconded the motion. The motion carried unanimously.

### **2018/2019 Meeting Schedule**

Executive Director Wilkinson shared that she had worked with President-Elect Graham to select locations for each Board meeting next year. After discussion, all dates were selected and Executive Director Wilkinson reported that she would get the schedule distributed and get calendar appointments posted to the Board's calendars.

### **Young Lawyers Section Report**

Holli Welch reported that they are wrapping up the year and starting to transition to the new leadership council. She shared that the section provided gift bags for those who took the Bar exam in July and she has gotten positive feedback since then. Ms. Welch reported that the section is sponsoring another Lunch with a Judge with Judge Kricken in Laramie in October.

She reported that they also have a CLE program scheduled to address the new child support calculations.

#### **Board/Committee Liaison Reports**

***Bench-Bar Relations Committee*** – President-Elect Graham reminded the Board that he reached out to the chair of the Committee to inquire as to whether or not the Committee should or wanted to get involved in the recent discussion about the peremptory challenge rule. He reported that he never heard back from the chair.

***Civil Pattern Jury Instructions Committee*** – Commissioner McCorkle shared that the committee is proposing a new instruction on invasion of privacy. She also reported changes the committee made to 1.02 (general instructions before opening statement) and 1.03 (general instructions before final argument). She reported that those changes are being sent to the District Court judges for their comments.

***Criminal Pattern Jury Instructions Committee*** – Commissioner Kisling reported that there was a meeting in Cheyenne to focus on the self-defense instructions. He was unable to make the meeting but reported that they are making progress.

***Diversity & Inclusion Committee*** – no report

***Law School Liaison Committee*** – no report

***Legislative Developments Committee*** – no report

***Permanent Rules Advisory Committee – Civil Division*** – Commissioner Edwards reported on the new rule requiring the use of 8 1/2" x 11" paper. Legal-sized paper will no longer be allowed. There was discussion about Executive Director Wilkinson getting the word out to the membership so they know it goes into effect at the first of the year.

President Rob Jarosh adjourned the meeting at 9:58 a.m. on Saturday, August 18, 2018.

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Minutes Submitted by:

Sharon Wilkinson  
Executive Director