President Christopher Hawks called the meeting to order at 11:06 a.m. on Friday, August 11, 2023.

Consent Agenda
President Hawks introduced a consent agenda to include the approval of the agenda, approval of meeting minutes, the Treasurer’s Report and the Office of Bar Counsel report. He asked for a motion to approve the consent agenda items.

Commissioner James Whiting made a motion to approve the consent agenda. Commissioner Jennifer Kirk seconded the motion. The motion carried unanimously.

Admissions Update
Cathy Duncil reported that 49 applicants sat for the July bar exam. Overall, it was an uneventful exam. She shared that results will be out the middle of September and the swearing-in ceremony for the new admittees will take place October 6th at the Wyoming Supreme Court followed by a reception at the Cheyenne Fronter Days Event Center.

Ms. Duncil reported that she and Mark Gifford have been invited to speak at the University of Wyoming College of Law orientation for first year law students next week. She shared that this is the first time in quite some time that they have been invited, so they are not only pleased with the invitation but also pleased that they were given an hour to speak. They will give an overall introduction to the Bar and discuss the application and admissions process as well as the Wyoming Lawyer Assistance Program (WyLAP).
Cathy Duncil shared that the Board of Law Examiners (BLE) will be grading the July exams in Laramie on August 21-22nd. The Board has invited Justice Kari Jo Gray, who serves as the Supreme Court’s admissions liaison, to the meeting to discuss the NextGen bar exam.

Mark Gifford shared that the BLE collaborated with the staff to provide a very impressive NextGen memo and supplemental documents to Justice Gray in advance of the meeting. The memo includes the BLE’s and staff’s recommendation that the Court be an early adopter of NextGen. Executive Director Sharon Wilkinson shared she wanted to get the memo to Justice Gray far in advance of the meeting, as the packet is nearly 100 pages. She also shared that eventually, she will share the memo and the supplemental documents with this Board, as it contains very useful resources and information; however, she wants to wait until after the meeting with Justice Gray so she can also report next steps in the process.

President Hawks asked if Executive Director Wilkinson had received any feedback from Justice Gray. Executive Director Wilkinson has not.

Cathy Duncil reported that the National Conference of Bar Examiners (NCBE) is hosting a roundtable discussion with all Supreme Court justices, and she anticipates that Justice Gray will participate.

Rural Practice Initiative Update
Treasurer Kelly Neville shared that the draft rural practice bill has been drafted by the Legislative Service Office (LSO). She reminded the Board that the bill is modeled after the South Dakota model. She reported that she received an email from the LSO staff attorney and learned that the bill has been approved by the committee chair. The Joint Judiciary Committee will be meeting in Casper in September and that will be the first time the committee will discuss the bill.

Treasurer Neville shared that she, Executive Director Wilkinson and Mark Gifford had lunch with Katharine Wilkinson, a member of the Bar and a lobbyist, to get some guidance from her on how to successfully advance this bill. Ms. Wilkinson recommended that the Bar consider partnering with other organizations such as the Wyoming Association of Municipalities (WAM) and/or the Wyoming County Commissioners Association. Ms. Wilkinson also shared that it will be a challenge to obtain funding in the coming budget session, so we are aware that this effort could take multiple sessions.

Treasurer Neville shared that our next step is to work on the draft materials that will be shared with the committee. She may be reaching out to fellow board members to encourage them to approach their legislators. Commissioner Kirk shared that the Wyoming prosecutors have a lobbying organization. Treasure Neville also felt that we should also partner with the Wyoming Trial Lawyers Association (WTLA).

Treasurer Neville reported that she and the staff had a call with Representative Art Washut, the Co-Chair of the committee, as he was wondering if there are ways to reduce the price tag
on the bill ($200,000). He wondered about large firms opening up satellite offices in the rural areas to provide legal services—anything would help so it is less money out of the Legislature.

**Equal Justice Wyoming Foundation Matching Grant**
Executive Director Wilkinson reminded the Board that it approved a $40,000 matching grant to the Equal Justice Wyoming Foundation (EJWF) at the June 2022 meeting. She shared that as a result of a successful WyoGives campaign that took place on July 12th, EJWF has exceeded the $40,000, so the Bar has sent the $40,000 check to match those funds raised. She pointed the Board’s attention to the spreadsheet showing all donors and donations.

**Approval of 2023-2025 Strategic Plan**
Executive Director Wilkinson shared that she always likes to discuss the proposed Strategic Plan with the staff ahead of time to see if the staff has any concerns about accomplishing any of the proposed tasks/projects. She was pleased to report that the staff is fully on board with the proposed plan.

Commissioner James Whiting made a motion to approve the 2023-2025 Strategic Plan. Commissioner Alison Gee seconded the motion. The motion carried unanimously.

**Proposed Amendments to the Bylaws of the Wyoming State Bar**
Mark Gifford shared that the staff is recommending some amendments to the Bylaws of the Wyoming State Bar. He shared that most of the amendments are housekeeping changes, but the main impetus for the amendments was a request from Shawna Goetz, Clerk of the Wyoming Supreme Court, to remove the requirement that the Court send Orders to Show Cause by certified mail simply because of the cost. Mr. Gifford provided an overview of the other changes.

Treasurer Neville shared that many other bar associations around the country allow for a non-resident member to serve on the board. She shared that she has heard some complaints that the Wyoming State Bar does not.

Executive Director Wilkinson reminded the Board that there was a comment about this on the Bar Member Survey. She also reminded the Board that, for the first time ever, our active out-of-state membership now exceeds the resident members.

After discussion, several more amendments were made to the Bylaws.

Mark Gifford shared that he would make the additional amendments and have Executive Director Wilkinson share the revised document with the Board by email. Once the Board approves the additional amendments, Executive Director Wilkinson will put the amendments out for member comment.

**Annual Member Benefit Review**
Executive Director Wilkinson reminded the Board that she likes to do a review of the Bar’s member benefits each August. She shared that Reilley Larimore, her assistant, has reached out
to all benefit providers to learn how many of our members take advantage of each benefit. She also reported to the Board how much revenue the Bar generates from a handful of the benefits.

Commissioner Gee asked if providing these benefits cost the Bar any money. Executive Director Wilkinson reminded the Board that the Bar only pays for two member benefits on behalf of the members—Fastcase and Red Cave Law Firm Consulting.

**Bar Staff Computer Purchase Cycle**

Executive Director Wilkinson shared that as long as she has been employed at the Bar, they have purchased new computers for the office every five years. She reported that the 2023/2024 fiscal year would be five years from the last time they purchased new computers. At Treasurer Neville’s urging, Executive Director Wilkinson reached out to the Bar’s IT company to inquire if a five-year cycle was still adequate. She directed the Board’s attention to the email she received from Steve Hendrickson, the Bar’s IT contact, indicating that a three-year cycle is standard now.

Executive Director Wilkinson shared that while new computers were factored into the proposed budget for next year, she anticipates ending this current fiscal year with a net profit and requested approval to purchase the new computers out of this current budget instead of waiting until next year. If approved, she would change the proposed budget accordingly.

Commissioner Gee shared that it is her impression that most organizations use a rolling cycle so not all computers are swapped out at once. Nick Dillinger, Chair of the Young Lawyer Section, shared that his firm has also moved away from desktops and have docking stations with laptops instead.

Commissioner Kevin Kessner made a motion to approve the purchase of new computers for staff out of this current fiscal year. Commissioner Stefanie Boster seconded the motion. The motion carried unanimously.

**2023/2024 Board Meeting Schedule**

Executive Director Wilkinson shared that she has worked with President-Elect Anna Reeves Olson to select the locations for next year’s Board meeting. After discussion, dates were chosen for all meetings.

**2023/2024 Proposed Budget**

Treasure Neville shared that the staff goes through a very extensive budgeting process to produce the proposed budget for the next fiscal year. The process incorporates the Strategic Plan, renewing equipment leases and factors in inflation. She reminded the Board that there is a separate process for the Office of Bar Counsel budget that the staff goes through with the Review and Oversight Committee (ROC), as it is responsible for that budget. She also pointed out that staff salaries remain the same for now, as the Board will go into an Executive Session to discuss.
Commissioner Kirk asked Mark Gifford if he anticipated any significant disciplinary hearings next year, and he indicated that he does not.

Executive Director Wilkinson provided an extensive overview of the most significant categories of the proposed budget and indicated that factored into the proposed budget are items on the newly approved Strategic Plan to include an online mentorship program, a social media manager and possibly two new websites for the Bar and the Office of Bar Counsel. She also reported that the $40,000 match for EjWF is included if the Board wishes to approve that. Executive Director Wilkinson also reported that the staff worked on some projections to determine where we will end up at the end of this current fiscal year, and she anticipates a net income of approximately $211,000.

Past President Ken Barbe commended the staff for always doing such a great job at exceeding expectations with the budget each year. He wanted to point out that the projected net income of $211,000+ for this fiscal year includes some unrealized gains on our investments, so the Board should not misinterpret it to be available cash on hand.

President Hawks asked if the Bar is taxed on those gains. Mark Gifford shared that the Bar is not a taxable entity.

Cathy Duncil pointed out that we neglected to factor in Gannett Peak’s, the Bar’s website and database manager, costs into the proposed budget. She recommended adding $6,000 to the Web/IT/database line item.

Vice President Erin Weisman wondered if the Bar should put out a request for proposals for the new website(s). President Hawks shared that he would be hesitant to bring on a new company to take on the Bar’s website, as he worked with the Bar through the West Edge Collective debacle. He explained how much data is behind everything the Bar website does. As a result, Vice President Weisman indicated her approval of staying with Gannett Peak.

President Hawks asked Executive Director Wilkinson if the Board needed to take any action on the proposed budget. Executive Director Wilkinson indicated that she and Cathy Duncil will make the adjustments that were discussed today and she assumed the Board would discuss her recommendations for staff salaries in an Executive Session. Following all of those adjustments, she will share the updated proposed budget by email and the Board will formally approve the proposed budget at the September 8th Board meeting.

**Juneteenth Holiday**
Executive Director Wilkinson shared that now that Juneteenth is a federal holiday, she would like it to be added as a paid holiday in the Bar’s Employee Handbook. She also requested that the Board approve a change to the “Columbus Day” holiday to “Indigenous Peoples Day.”

Commissioner Gee shared that she thinks it is problematic for the Bar office to be closed when more than half the world is open, as Juneteenth is not recognized by all courts.
After discussion, President-Elect Olson made a motion to approve adding Juneteenth and changing “Columbus Day” to “Indigenous Peoples Day” in the Employee Handbook. Vice President Weisman seconded the motion. The motion carried.

**Discontinuation of Government Law Section**
Executive Director Wilkinson shared that after receiving no nominations for any of the Government Law Section Council positions, there was email discussion amongst the Council members about possibly not needing the Section any longer, as government lawyers have their respective organizations based on the specific work they do for the government. In accordance with the Bylaws of the Wyoming State Bar, Executive Director Wilkinson distributed a “call for comments” to the 56 Section members as to why the Section should not be dissolved. She shared the three comments she received with the Board. All were supportive of the discontinuation of the Section.

Commissioner Whiting made a motion to discontinue the Government Law Section. President-Elect Olson seconded the motion. The motion carried unanimously.

**Senior Section**
Executive Director Wilkinson reminded the Board that there was a question on the Bar Member Survey asking the members if they would be interested in joining a Senior Section if there was one. She shared that the majority of those who responded to the survey indicated that they would. She asked for some direction from the Board as to whether they wished to form this section.

Commissioner Gee suggested contacting some key people to help the Board figure out what this section would look like.

Past President Barbe shared that he was one of the survey responders in support of the section.

Executive Director Wilkinson shared that she thinks a Senior Section might be key to a successful mentoring program.

After discussion, Commissioner Gee made a motion to have President Hawks form a committee to explore the options for a Senior Section. Past President Barbe indicated that he would be willing to serve on the committee, but he did not wish to chair it. Commissioner Gee shared that former Vice President Scott Kath expressed interest years ago about helping with such an effort. Commissioner Kirk seconded the motion. The motion carried unanimously.

President Hawks reported that Past President Ken Barbe is the first person appointed to the committee.

**Ratification of American Bar Association (ABA) Resolution 100**
Mark Gifford shared that Resolution 100 was drafted as an amendment to Rule 1.16 of the ABA Model Rules of Professional Conduct. There has been a lot of attention on lawyers being
wittingly or unwittingly assisting clients in illegal or fraudulent activities such as money laundering, financing terrorism and human trafficking, among other things. He reported that he just finished a three-year term on the ABA Standing Committee on Professional Regulation and began a three-year term on the Standing Committee on Ethics and Professional Responsibility.

For his three years on Regulation, he has been involved in a working group to come up with some proposed rule amendments that would heighten awareness to lawyers furthering illegal activity. The concern is if the legal profession does not police its own shop, Congress and the Treasury Department will. Lawyers should be concerned about the onerous reporting requirements that may be handed down by the federal government. Resolution 100 serves to underscore an already-existing obligation by lawyers to inquire and assess whether their services are being utilized to further crime or fraud and to terminate representation when warranted. He shared that the resolution went out for comment to various groups and committees and eventually got filed with the ABA. It attracted some vocal opposition from certain ABA sections and was put to a vote this week on the floor of the House of Delegates where it passed with a 2-1 margin. Mr. Gifford reported that as part of an effort to generate support for Resolution 100, he approached the Executive Committee to see if the Bar would endorse the resolution. He shared that the decision before the Board is to ratify the unanimous decision of the Executive Committee to give the Bar’s endorsement to the resolution.

Commissioner Gee made a motion to ratify the Executive Committee’s decision to approve the Bar’s endorsement of ABA Resolution 100. Commissioner Kessner seconded the motion. The motion carried.

Following the vote, Commissioner Shawn Wilde had a few questions about the Bar being involved in anything political related to the ABA. He asked Mark Gifford if the Bar had ever done anything like this before. Mr. Gifford indicated he was unaware if the Bar had engaged in anything similar but reminded the Board that it adopted a policy that prohibits the Bar’s ABA delegates from engaging in any vote that is not directly related to the Bar’s core functions. He shared that Resolution 100 amends a Model Rule of Professional Conduct and pointed out that Wyoming’s rules are largely based on the Model Rules, so the resolution absolutely supports the Bar’s core functions. As a result, Mr. Gifford shared that he is not concerned about any Keller violation.

Commissioner Wilde stated that since Wyoming’s rules rely significantly on the Model Rules, it seems circular to jump into the mix that we would eventually adopt anyway. He is concerned that we are putting ourselves in a position where we are trying to get ahead of ourselves. Mark Gifford clarified that we will still go through the regular process if the amendments are going to go through in Wyoming. He reported that this does not bypass that process.

Treasurer Neville shared that it lessens the risk of the Treasury Department imposing onerous reporting requirements on lawyers with respect to their clients’ financial activities.
Office of Bar Counsel Performance Evaluation
Jim Anderson, Chair of the Review and Oversight Committee, joined the meeting. Vice President Weisman made a motion to convene an Executive Session. Commissioner Boster seconded the motion. Executive Session was convened at 1:20 p.m.

Commissioner Gee made a motion to adjourn Executive Session. Commissioner Kessner seconded the motion. Executive Session was adjourned at 3:07 p.m.

Treasurer Neville made a motion to approve Executive Director Wilkinson’s recommendations for a 4% cost of living salary increase for members of the Bar staff as well as a 2% merit increase, a similar 6% salary increase for the Executive Director’s salary, Deputy Bar Counsel’s salary to increase to 75% of Bar Counsel’s salary and a one-time bonus of $7,500 to Bar Counsel. Commissioner Gee seconded the motion. Treasurer Neville shared that Bar Counsel’s bonus should be grossed up and given out of this current fiscal year. The motion carried unanimously.

University of Wyoming College of Law Update
Executive Director Wilkinson shared that she received a request from the University of Wyoming Provost’s office to distribute a survey about the College of Law Dean search to the Bar membership. She shared that the email took many members by surprise, as no announcement had ever been made that the current dean was stepping down.

President’s Report
President Hawks shared that he thought the Strategic Planning session in June was a great success. He has been working with Executive Director Wilkinson on final details for the upcoming Annual Meeting & Judicial Conference. He thanked her for all of her work in putting the Annual Meeting together.

President-Elect’s Report
President-Elect Olson reported that a panel of judges came to Casper last month for a listening session. She wanted to learn which issues the judiciary thinks the Bar should focus its efforts on and learned that one of the biggest concerns is that the lawyers practicing before them often exhibit a lack of competence in basic legal skills and there is a lack of collegiality and respect for the judges. She reported that there was a consensus that the competency responsibility falls to the law school. President-Elect Olson shared that she is excited to learn more about the mentorship program and is hopeful it will help with some of the collegiality and respect problems.

President-Elect Olson shared that there are also concerns about the bar exam. She learned that the law students’ GPAs are about the same, if not better than most, but the bar pass rate is going down. Some think Covid is a factor as well as learning on Zoom. She reminded the Board that she is on the search committee for the new dean, and she wants to make sure the new dean is focused on the bar passage rate.
She also shared that the judiciary suggested trying to involve more judges at events including law school events. She thought the listening session was very interesting and was grateful for the opportunity. She shared that if any Board members had any questions about the search committee to please reach out to her.

**Vice President’s Report**
Vice President Weisman shared that she was recently interviewed by the *Jackson Hole News & Guide* about her upcoming position as President-Elect of the Bar. In the interview, she tried to educate about what the Bar does.

**Executive Director’s Report**
Executive Director Wilkinson shared that she and the staff have done a lot of follow-up from the June Strategic Planning session. She shared that as the discussion began, she started a list of ideas shared by all participants and ended up with a full page of tasks.

Executive Director Wilkinson reminded the Board that it directed her to look into having a cybersecurity penetration test on the Bar’s servers and other equipment. She reported that CMIT, the Bar’s IT vendor, conducted an external penetration test as well as an external and internal vulnerability assessment last month on all desktop computers, laptop computers, servers, etc. and was pleased with the results. In fact, the results were better than the results on the last penetration test done in 2021. She shared that on the advice of CMIT, they will continue on an every-other-year track unless there is a recommendation to do it more often. She shared that the cost was $3,250, so they will budget for that in two years.

Executive Director Wilkinson reminded the Board that it had a desire to upgrade the Bar’s virtual meeting equipment. She referred to the Owl Labs conference camera, microphone and speaker that they were using for the first time at this meeting. She also shared that the Bar purchased a portable screen, and a portable projector for a total cost of $1,861.63.

Executive Director Wilkinson shared that she and the staff participated in two online mentorship program demonstrations—Chronus and MentorcliQ. She shared that both are impressive platforms that do largely the same thing—matching mentors and mentees, suggesting activities for the pair, encouraging engagement, etc. She recommended that the Bar sign on with Chronus, as it is more affordable and seems simpler for our purposes. She shared that Chronus also handles mentorship programs for Amazon, Apple, the Department of Homeland Security, the Coast Guard, Facebook and many more.

Executive Director Wilkinson reported that she has been in contact with a social media manager to whom President Hawks referred her. After a preliminary call, she now has a proposal for a full management package, which proposes $50 per hour with an estimated 16 hours per month to modernize the Bar’s social media presence. She shared that it would include video content as well as static posts and includes gathering analytics and engagement.

As was previously discussed in the proposed budget discussion, Executive Director Wilkinson shared that she did get cost estimates from Gannett Peak, the Bar’s website and database
vendor, on possibly two new websites—one for the Bar and one for the Office of Bar Counsel. The proposal would include conducting focus groups and a more in-depth survey of the membership to learn what experience they want on the website(s).

Executive Director Wilkinson reported that she recently learned that the Florida Bar is providing its 111,000 members with free access to legal trust accounting software. She reported that a legal financial management company, Nota, developed the software. She shared the information with Mark Gifford and Melinda McCorkle to see if they thought it would be beneficial to learn more about it to see if we could potentially offer it in Wyoming. She also reached out to Scott Meier, a member of the Bar and the President/CEO of the Wyoming Bankers Association, to get his take on it. All agreed that it was worth gathering more information. She shared that she scheduled a call with Scott Westheimer, the Florida Bar President who came up with the idea and Paul Garibian, the CEO of Nota. Executive Director Wilkinson shared that she, Mark Gifford, Melinda McCorkle, Commissioner Boster and Scott Meier have a demonstration of the software at the end of August to see how the software works. She will include this as an item of discussion on the November meeting agenda.

Executive Director Wilkinson shared that there are currently 132 in-person registrants and 150 virtual registrants for this year’s Annual Meeting & Judicial Conference; however, they do not have any of the judges’ registrations yet. She reported that there are over 50 registrations expected to be sent over from the Court today. She shared that they exceeded the $25,000 sponsorship goal and are currently at $26,750. She also shared that she has 12 exhibitors so far.

Executive Director Wilkinson reminded the Board that in accordance with the Bylaws, the membership received an email from her on July 5th with notice about the Annual Business Meeting and a call for resolutions. She shared that resolutions were due to her by Wednesday, August 9th, and she received none.

Executive Director Wilkinson shared that she attended the National Association of Bar Executives (NABE) as well as the National Conference of Bar Presidents (NCBP) Annual Meeting last week in Denver. She shared that there was much discussion about artificial intelligence (AI) and ChatGPT and how bar associations need to be educating their membership about all aspects of AI.

Executive Director Wilkinson asked for some direction related to the new mentorship program. As the Strategic Plan is a two-year plan, she asked what aspects of the plan should be tackled first. She shared that she recently learned that January is mentorship month. She wondered about getting the implementation started this fall and launching in January 2024. The Board agreed. There was also discussion about getting the new Senior Section to coordinate with the Young Lawyer Section on the mentorship program.

Young Lawyer Section Report
Nick Dillinger shared that the Young Lawyer Section will once again be hosting a reception for the judiciary on the Tuesday evening of the Annual Meeting & Judicial Conference. The section
is also sponsoring a judges’ panel that week. He shared that John Fritz of Hathaway & Kunz in Cheyenne will step up as Chair of the section on October 1st.

Commissioners’ Reports

- **First Judicial District**—Commissioner Boster shared that the Laramie County Bar Association takes the summer off and has not started meeting yet. There will be an Inns of Court meeting soon, which she plans to attend.

- **Third Judicial District**—No report

- **Fourth Judicial District**—Commissioner Kessner shared that he is unaware of who the current Sheridan County Bar President is. Executive Director Wilkinson checked the database and learned that neither Sheridan nor Johnson Counties have designated a County Bar President. As a result, she will get an email out to those two counties encouraging them to elect leadership.

- **Fifth Judicial District**—No report

- **Sixth Judicial District**—Commissioner Gee reported that the Campbell County Bar had a meeting two months ago, but similar to other county bars, is struggling to do anything.

- **Seventh Judicial District**—Commissioner Craig Silva shared that Kevin Taheri was appointed the new Circuit Court judge, but that leaves the District Attorney’s office in a lurch. He shared that Natrona County has downsized the law library, so it will most likely move. He and the clerk of court are trying to figure out what to do with the money in the county bar’s account.

- **Eighth Judicial District**—Commissioner Wilde shared that the reason he could not attend in person today is that his judicial district has its annual district conference today. Platte, Converse and Goshen Counties are gathering tonight in Wheatland. Converse County is getting ready to move into its new justice center and they are sorting out how the law library center is going to pan out—digital only or books on shelves.

- **Ninth Judicial District**—Commissioner Whiting reported that they are still catching up after Covid—lots of trials. He shared that the Fremont County Commissioners finally got an office for the Circuit Court judge; they converted an old basketball court to a courtroom.

Board/Committee Liaison Reports

- **Civil Pattern Jury Instructions Committee**—Commissioner Kessner shared that the committee issued a survey to the membership back in June. The committee has not met to discuss the results yet, but the overall response is that the instructions need to be simplified.

- **Law School Liaison Committee**—Commissioner Gee shared that she has begun some discussions with the law school regarding strengthening relations with the Bar. There was discussion about getting a call scheduled with the committee to simply begin discussions about how the Bar can start out on a positive note with the new dean. Executive Director Wilkinson shared that she would get a call scheduled with Commissioner Gee, Devon O’Connell, Chair of the Law School Liaison Committee, and
Marilyn Kite, Chair of the Dean’s Advisory Committee, and herself to begin these discussions.

President Christopher Hawks adjourned the meeting at 4:14 p.m. on Friday, August 11, 2023.

Minutes Submitted by:

Sharon Wilkinson
Executive Director