

Wyoming State Bar Board of Officers & Commissioners Meeting

August 22, 2025
Hampton Inn & Suites
Buffalo, Wyoming

In Attendance: James T. Whiting, President; P. Craig Silva, President-Elect; Alison O. Gee, Vice President; Kelly M. Neville, Treasurer; Christopher G. Humphrey, First Judicial District Commissioner (via Zoom); Dona Playton, Second Judicial District Commissioner (via Zoom); Jason Petri, Third Judicial District Commissioner; Kevin K. Kessner, Fourth Judicial District Commissioner; Jennifer L. Kirk, Fifth Judicial District Commissioner; Anne K. Wasserburger, Eighth Judicial District Commissioner; Sharon Wilkinson, Executive Director; Mark W. Gifford, Bar Counsel; Cathy Duncil, Admissions Director and Cody Jerabek, WyLAP Director

Absent: Anna M. Reeves Olson, Immediate Past President; Kyle A. Ferris, Sixth Judicial District Commissioner; Emily S. Madden, Seventh Judicial District Commissioner; Clayton M. Melinkovich, Ninth Judicial District Commissioner and Carl A. Edelman, Chair, Young Lawyer Section

Guest: Jeffrey A. Donnell, Chair, Review and Oversight Committee

President James T. Whiting called the meeting to order at 12:30 p.m. on Friday, August 22, 2025.

Approval of Consent Agenda

Executive Director Sharon Wilkinson shared that she met with the Executive Committee last week and was directed to move two items from this month's agenda to the September meeting agenda. Those two items are: 1. Approval of the 2025-2027 Strategic Plan and 2. Senate Confirmation for Supreme Court Justices. She shared that Khale Lenhart, the Chair of the Legislative Developments Committee, will be in attendance at the September meeting to discuss the second agenda item.

President-Elect Craig Silva made a motion to approve the Consent Agenda. Commissioner Jennifer Kirk seconded the motion. The motion carried unanimously.

Personnel Matter

Vice President Alison Gee made a motion to convene an Executive Session. Commissioner Kirk seconded the motion. Executive Session was convened at 12:33 p.m.

President-Elect Silva made a motion to adjourn the Executive Session. Commissioner Kirk seconded the motion. Executive Session was adjourned.

President-Elect Silva made a motion to ratify the terms of Melinda McCorkle's separation from the Wyoming State Bar. He reported that her last day was June 30, 2025; however, her salary and benefits will be paid through September 2025. Commissioner Kirk seconded the motion. The motion carried unanimously.

Treasurer's Report

Treasurer Kelly Neville shared that the report is reflective of where the Bar stands financially through July 31st. She reported that we are starting to see more expenses due to next month's Annual Meeting. Overall, the transactions are standard.

Admissions

Cathy Duncil shared that she gave the bar exam to 47 applicants last month and results will come out next month. She shared that the swearing in ceremony will take place October 3, 2025, at the Wyoming Supreme Court followed by a reception hosted by the Bar.

Ms. Duncil reported that she recently attended a National Conference of Bar Examiners (NCBE) conference in Kansas City. She also shared that Farson lawyer Darin Scheer has been asked to serve a second term as the Chair of the NCBE Board of Trustees.

Cathy Duncil shared that she and Mark Gifford attended a hearing before the Character and Fitness Committee last month and she anticipates learning the Committee's decision any day now. Mark Gifford shared that during Ms. Duncil's review of character and fitness reports, if she sets any aside for questioning, the two of them work together to make a decision as to whether there is a substantial cause for concern about an applicant's character and fitness to practice law. He provided some examples of applicants who do not prove by clear and convincing evidence that they possess the requisite character and fitness to practice. He provided an overview of what led to this particular applicant being referred for a hearing.

Office of Bar Counsel Report

Mark Gifford reported that his office had received 74 complaints as of July 30th, but the total number is now 85. He reported that a typical year will end with 125 complaints. Commissioner Kirk asked how many complaints are filed by lawyers versus non-lawyers. Mr. Gifford shared that the majority come from clients. He shared that in terms of the number of complaints received, roughly half of those do not meet the prima facie evidence threshold.

Mark Gifford walked the Board through the process of handling confidential information in the building, to include locking doors in the Office of Bar Counsel, opening their own mail, all employees signing confidentiality agreements, etc. He shared that in his almost 15 years of employment at the Bar, he does not recall confidential information being leaked a single time. He emphasized that all employees take confidentiality very seriously.

Discontinuation of Printed Bar Directory

Executive Director Wilkinson reminded the Board that she distributed a memo at Strategic Planning requesting approval to discontinue the printed Bar directory. She recapped the points in her memo, which included a drastic decline in the usage of the directory, substantial

net losses for the Bar, the superior online alternative that is always up to date, continued increases in the cost of paper, and continued increases to postage. She was also able to share that the majority of bars in surrounding states discontinued their printed directories years ago, with the exception of Montana.

President-Elect Silva made a motion to discontinue the printed Bar directory. Commissioner Kevin Kessner seconded the motion. The motion carried unanimously.

Cash Back Credit Cards for Staff

Executive Director Wilkinson reminded the Board that Vice President Gee had asked her to check into getting the staff credit cards that offered cash back to the Bar. She reported that she and Cathy Duncil, Bookkeeper, looked into this and learned that Executive Director Wilkinson's current MasterCard does have a cash-back option. Executive Director Wilkinson shared that, while all employees have a credit card, hers is the only one with an annual fee and offers cash back to the Bar. Executive Director Wilkinson recommended reviewing the account monthly and then working with Treasurer Neville to determine if we use the points for products like door prizes or transferring the cash balance into the Bar's checking account.

Surrounding Bars' Approach to Diversity, Equity & Inclusion Initiatives

President-Elect Silva discussed that as a result of the President's executive order targeting legal and medical associations, some bars across the country have renamed their diversity, equity and inclusion sections. He is sensitive to our legislature being critical of ours. He asked Executive Director Wilkinson to survey other bars in our area to see what changes they have made, if any. Executive Director Wilkinson shared that the vast majority of bars she heard from reviewed the activities of their diversity sections and determined that nothing they were doing was in violation of any laws. As a result, very few changes have been made.

Executive Director Wilkinson reported that she has discussed the executive order with the current Diversity, Equity & Inclusion (DEI) Section Council, and they are very proud of the work they have done, which is largely sponsoring continuing legal education (CLE) programs for the Bar membership. She shared that the Council does not recommend changing anything, but it understands that it is the Board's decision.

After discussion, President-Elect Silva made a motion to eliminate the Diversity, Equity & Inclusion Section. Commissioner Kessner seconded the motion.

Vice President Gee asked if the Council had considered any changes to the purpose of the section. Mark Gifford shared that the purpose of each section is included in the Uniform Section Bylaws. He reminded the Board that years ago, bar leaders and staff met in Casper for a meeting with the DEI Section Council to do a deep dive into the Keller policy so they understood what the restrictions are. He was pleased to report that this section knows the Keller policy better than most and remains compliant at all times.

Vice President Gee recalled that after our legislature passed a law making DEI initiatives illegal at the University of Wyoming, the Executive Committee asked Mark Gifford to review the DEI

Section's activities in light of the new legislation. Mr. Gifford did so and reported that none of the Section's activities run afoul of the new law's restrictions.

Commissioner Dona Playton shared that while we are struggling to keep young people in the state, many young lawyers look to places that have DEI policies. Commissioner Playton shared that eliminating the DEI Section would be counterproductive to encouraging young lawyers to stay in Wyoming.

Vice President Gee recalls reviewing the Bylaws as well as the activities of the section and coming to the determination that nothing the section does is in violation of anything.

The motion failed unanimously.

Judicial Performance Assessment Follow-Up

Executive Director Wilkinson reported that she met via Zoom with Chief Justice Boomgaarden, President-Elect Silva, Vice President Gee and Mark Gifford to discuss, among other things, the Judicial Performance Assessment. She shared that during the meeting, we were able to share that a large percentage of the members do not take the assessment seriously and, therefore, do not participate. Executive Director Wilkinson reminded the Board that as a result of the changes made by a working group, the cost doubled and the response rate was cut in half—22% of the membership participated in the 2022 poll and 25% in 2024, which is down from 42.5% in 2020. She reminded the Board that the new poll asked demographic questions, which resulted in many lawyers not being willing to participate.

Executive Director Wilkinson shared that during the meeting, Chief Justice Boomgaarden wondered about the Bar taking a hiatus from the poll in 2026 and forming a working group to really study the issue and come up with a plan to conduct an effective poll that includes both lawyers and members of the public. She also reported that the Chief has shared a significant number of resources regarding polls and assessment tools used by other states. Executive Director Wilkinson shared that while the hiatus was appealing to the group, Chief Justice Boomgaarden followed up later to report some concern that had been expressed by those judges who will sit for retention next year. Overall, they worry that not having anything from the Bar could potentially hurt their chances for retention.

Vice President Gee shared that during the recent Joint Judiciary Committee hearing, there was a lot of testimony about the Judicial Performance Assessment, as that is one of the only ways members of the public learn about judges' performance.

Executive Director Wilkinson shared that in a past Board meeting, someone asked her if the Bar could simply go back to the old Judicial Poll. As a result, she checked with her contact at the University of Wyoming Survey & Analysis Center to see what the cost would be. She learned that reverting back to the old poll would cost \$24,000+. If they conduct the same Judicial Performance Assessment that was conducted in 2024, the cost would be almost \$22,000.

Vice President Gee made a motion to revert back to the old Judicial Poll next year. Commissioner Anne Wasserburger seconded the motion.

Commissioner Playton asked if those were our only options. Vice President Gee remarked that if the Supreme Court were to take over the poll, it would have to get funding to support that.

President-Elect Silva favored the idea of taking a hiatus next year and working to improve the existing poll.

Mark Gifford shared that one argument for reverting back to the old poll is that we may see a better response rate. He shared his skepticism, however, as a large number of our members are surveyed-out. He recommended that the Board take a two-step approach to this—roll it back to the old poll and hope for a better response rate but let the Court know that this is the last time the Bar is going to conduct the poll.

Vice President Gee amended her motion to reflect that 2026 will be the last time the Bar will conduct the Judicial Performance Assessment and that Chief Justice Boomgaarden be informed of the Bar's intention in that regard. Commissioner Wasserburger seconded the amended motion.

Commissioner Playton wanted to ensure that the Bar still has a seat at the table for discussions about future polls. She disagreed with doing away with it altogether.

Treasurer Neville reminded the Board that the only decision that needs to be made today is what we are budgeting for. She recommended budgeting for the larger dollar amount.

Commissioner Kirk agreed with budgeting for the roll-back to the 2020 poll but wondered about having a working group come back to this board with recommendations for improvement. Mark Gifford reminded the Board that the more robust and effective assessment tools used around the country cost hundreds of thousands of dollars, if not more, and include a mechanism for the public to have a voice. He emphasized getting the message to the Court that footing the bill for a more robust assessment is beyond the Bar's means.

The motion carried.

Separate Office of Bar Counsel Website

Executive Director Wilkinson reminded the Board that this topic came out of the 2023 Strategic Planning session. As a result, she reached out to Gannett Peak, the company that hosts and maintains the Bar's website, to get a bid on the cost of creating a website similar to Montana's Office of Disciplinary Counsel website. She shared that in June 2024, she received the cost estimate of \$27,200 for the project. She shared that in later discussions, a smaller working group wondered why it was so expensive.

Mark Gifford shared that the working group tasked Melinda McCorkle, former Deputy Bar Counsel, with drafting the content for the website. Executive Director Wilkinson was able to

explain to Gannett Peak that the website would have only static content, unlike the Bar's current website, which is very data driven and has many dynamic features. She reported that she received an updated cost estimate of \$16,400 last month.

Vice President Gee shared that she would like to see the Bar pursue this, as it is a way to make it clearer that the role of the Office of Bar Counsel is separate from what the Bar does. President-Elect Silva shared that a number of his constituents would like to see more separation of the discipline functions from the Bar's other activities.

Mark Gifford thinks this is a question of who the constituents are that are using the site. He shared that he thinks it is largely the public. He shared that during the staff's preparation meeting for this Board meeting, they discussed this and Kim Robért, Lawyer Referral Service Coordinator, shared that she thinks a separate website will be extraordinarily confusing to the public, as she talks to hundreds of members of the public each week and is constantly directing them to different resources on the Bar's website.

After much discussion about the pros and cons of a separate website, Vice President Gee made a motion to approve the funding to set up a new website for the Office of Bar Counsel for the quoted amount of \$16,400. President-Elect Silva seconded the motion. The motion failed.

Treasurer Neville recommended redesigning the current webpage that houses the disciplinary information to make the separation clear. Mark Gifford agreed with that and suggested having the staff sit down with Gannett Peak to explore the options.

Office of Bar Counsel Performance Evaluation

Jeff Donnell, Chair of the Review and Oversight Committee, joined the meeting.

President-Elect Silva made a motion to convene an Executive Session. Vice President Alison Gee seconded the motion. Executive Session was convened at 2:00 p.m.

Treasurer Neville made a motion to adjourn the Executive Session. Commissioner Wasserburger seconded the motion. Executive Session was adjourned at 2:30 p.m.

Proposed Amendment to Rule 10 of the Rules Governing the Wyoming State Bar and the Authorized Practice of Law

Mark Gifford shared that Grant Rogers, a Laramie attorney, is starting a nonprofit law firm, but he recognized that the current rules do not provide for that. As a result, Mr. Gifford pointed Mr. Rogers to the specific set of rules that prohibit that. Mr. Rogers submitted a recommended rule change to the Wyoming Supreme Court for its consideration; however, the Court prefers that all rule changes go through the process and protocol already set up with the Bar. Mr. Gifford provided an overview of that protocol.

Vice President Gee made a motion to approve the proposed amendment to Rule 10 of the Rules Governing the Wyoming State Bar and the Authorized Practice of Law be distributed for

member comment and brought back to the November meeting for discussion. President-Elect Silva seconded the motion. The motion carried unanimously.

WyLAP Proposal

Cody Jerabek, Wyoming Lawyer Assistance Program (WyLAP) Director, joined the meeting. He shared that after being in the director's position for a year, he has recognized some necessary changes to the position. He shared that when Jack Speight was volunteering to serve as the director, he was not doing any outreach like CLE programs; he was more responsive to issues that arose and worked to triage those. Mr. Jerabek reported that he has been doing some outreach and speaking at various conferences. He also reported that he is seeing a significant increase in the number of people calling for help. He shared that the calls are more geared towards mental health issues and not so heavy with substance abuse. In other words, he reported that the volunteer position first filled by Mr. Speight is now twice as busy and in order for the position to be more of a preventative and resource-based position, more time needs to be devoted to it.

Cody Jerabek shared that the proposal he is pitching will help the position keep up with the times and be somewhat comparable to other Lawyer Assistance Programs (LAPs) around the country. Mr. Jerabek pitched a half-time salary of \$55,000 annually, which will give the program a path forward whether he is in the position or not. He reported that there is a lot he wants to do with the program, but how things sit currently, he is restrained.

Vice President Gee asked Mr. Jerabek what kind of time he proposes spending in the position per week. Mr. Jerabek thought that 20 hours per week would be sufficient. He also recommended that the Bar review this every two years. Vice President Gee wondered if the program may be eligible for some grant funding.

Commissioner Kirk asked if Mr. Jerabek was recommending he be a part-time employee of the Bar or a contract employee. Mark Gifford shared that he thinks it should be a staff position. Mr. Jerabek also shared that he is not seeking any form of benefits with the position.

Commissioner Kirk asked who would supervise the position. Cody Jerabek reminded the Board that the WyLAP Advisory Committee, which is currently made up of Pat Crank, Craig Newman and Chris Humphrey, serves as his supervisors.

Commissioner Playton inquired as to the staffing for other LAPs around the country. Mr. Jerabek and Executive Director Wilkinson shared that other bars have multiple staff running their LAPs, some even employ medical personnel and addiction specialists on staff. Mr. Jerabek shared that the only other bar association that does not have a full-time LAP director is North Dakota. He reported that Colorado's program has five full-time employees.

Cody Jerabek also shared that he will now have a presence at the law school, as he will have regular office hours there. He shared that California has a dedicated LAP person at each of the law schools.

Treasurer Neville suggested that the Board further this discussion during the proposed budget discussion. Cathy Duncil shared that if the Board approves Mr. Jerabek's proposal, he will start earning vacation and sick leave, but he would not qualify for the Wyoming State Retirement System or have any other benefits. Treasurer Neville asked about workers' compensation and taxes. Ms. Duncil shared that the Bar would pay both of those.

Wyoming State Retirement Employee/Employer Contribution Increase

Executive Director Wilkinson shared that the Wyoming Legislature increased both the employee and the employer contribution rates to the Wyoming State Retirement System effective July 1, 2026. She reminded the Board that it has traditionally covered both the employee and the employer portion, but it did not have to do that. She shared that the employee contribution rate will increase from 9.37% to 9.621% and the employer contribution rate will increase from 9.25% to 9.499%.

Commissioner Wasserburger made a motion to approve the Bar paying both the increased rates for the employer and the employee contributions. Vice President Gee seconded the motion. The motion carried unanimously.

2025/2026 Proposed Budget

Executive Director Wilkinson prefaced the budget discussion with various items in the budget that previous boards decided upon. She felt it was important to let the Board know that it had discretion to make different decisions. She provided an overview of seven budget expenditures for the Board to factor into its decisions.

In regard to the fee assessed for pro hac vice applications, Commissioner Kirk asked how Wyoming compares with other states. Cathy Duncil shared that Wyoming's fee is on the high side.

Vice President Gee asked her fellow Board members if there was anything in Executive Director Wilkinson's list that they felt strong about reducing or eliminating altogether. Commissioner Kirk shared that she is not in favor of cutting any funding for Equal Justice Wyoming or its Foundation.

Executive Director Wilkinson provided the background for the matching grant the Bar has been paying to the Equal Justice Wyoming Foundation for the past few years.

Treasurer Neville expressed strong feelings about not charging a registration fee for the Small/Solo/Rural Law Forum. However, she is in favor of no longer paying the subscriptions on our members' behalf for the Wyoming Law Review. Instead, she would like to see the Bar offer this as an opt-in on the license fee statement and members can add \$10 to cover the cost of the Wyoming Law Review.

Treasurer Neville shared that she is keeping a tally of the changes being made. She reported that with the added retirement benefits, the discontinuation of the printed Bar directory, and

the savings with Decisis, that brings the bottom line of the proposed budget to \$148,000 in the red.

Vice President Gee wondered if the Board should start budgeting to spend 3% of what is in the investment account. Then the Board could determine in upcoming years if that is necessary. This could be a separate investment withdrawal line item that would add approximately \$63,000 to the Bar's revenue.

Vice President Gee made a motion to convene an Executive Session. Treasurer Neville seconded the motion. The motion carried unanimously. Executive Session was convened at 3:47 p.m.

Vice President Gee made a motion to adjourn the Executive Session. President-Elect Silva seconded the motion. The motion carried unanimously. Executive Session was adjourned at 4:40 p.m.

President-Elect Silva made a motion to make the position of WyLAP Director a 50% position at \$55,000 annually to be evaluated biannually. Vice President Gee seconded the motion. Commissioner Playton made an amendment to the motion that the evaluation be conducted no longer than biannually. The motion carried unanimously.

President-Elect Silva made a motion to give 2.7% cost-of-living adjustments for all staff in addition to the merit-based increases that Executive Director Wilkinson recommended. In addition to the cost-of-living adjustment, Executive Director Wilkinson will receive a 5% merit-based increase to her salary. The motion also included that Bar Counsel's salary will not increase; however, he will receive a \$7,500 bonus. Vice President Gee seconded the motion and indicated that the bonus should be paid out of this fiscal year and be grossed up. The motion carried unanimously.

Commissioner Kirk made a motion to eliminate the funding for the Wyoming Law Review and replace it as an opt-in on the annual license fee statement with a \$10 per issue cost. Commissioner Jason Petri seconded the motion. The motion carried unanimously. Commissioner Playton abstained from the vote.

Treasurer Neville also mentioned that we do not need to budget for the Wyoming High School Mock Trial, but if the funds are requested, the Board can discuss it.

2025/2026 Board Meeting Schedule

Executive Director Wilkinson shared that she worked with President-Elect Silva on his chosen locations for the Board meetings in the next fiscal year. After discussion, dates were chosen for all meetings.

Small/Solo/Rural Working Group Proposal

Treasurer Neville reminded the Board about the conference she and Professor Romero attended last year in Las Vegas on the legal desert crisis. She shared that one thing we

continue to struggle with is identifying how many attorneys are actually practicing in each county. This makes it difficult to articulate accurate numbers to legislators. As a result of this, Treasurer Neville shared that she has worked with Professor Romero to come up with some questions that could be added to the license fee statement in order to gather more accurate data. She reported that there are some grant opportunities with different organizations, and this information will help us identify where our biggest needs are. Treasurer Neville also recommended that we let the members know ahead of time that we are gathering this information in order to focus on rural legal needs and provide more support for our solo/small practitioners.

Vice President Gee made a motion to approve the additions to the license fee statement as proposed to include additional language to explain what the data will be used for. Commissioner Wasserburger seconded the motion. The motion carried unanimously.

Cannon Financial Institute Monthly Estate Planning CLEs

Executive Director Wilkinson directed the Board's attention to the written proposal submitted by Christopher Sherwood on behalf of the Estate Planning, Elder Law, Trust & Probate Section Council. Vice President Gee shared that she is in support of the proposal, as she has been attending the Cannon Financial CLEs for most of her career and they are very high quality. She realizes this is unusual; however, she feels like this is a great section that has really been active in educating the Legislature lately and she thinks this is a nice reward for the section members. Vice President Gee shared that this is a great benefit and may even gain more section members.

Vice President Gee made a motion to approve the Estate Planning, Elder Law, Trust & Probate Section Council's proposal. Commissioner Kessner seconded the motion. The motion carried unanimously.

UW College of Law Update

Commissioner Playton reported that the incoming 1L class has a total of 74—52% female and 40% Wyoming residents, which is up 10% from last year. She reported that there are currently four positions open at the law school—Civil Legal Services Director, professor to teach Constitutional Law, professor to teach Torts, and Professor Step Feldman is retiring at the end of the academic year.

Commissioner Playton shared that the law school has changed its internship policy so that students can now get paid internships in private firms.

Executive Director's Report

Executive Director Wilkinson reminded the Board that voting is ongoing and the ballot will be accessible until 5:00 p.m. on Friday, August 29th. She shared that Jennifer Kirk and Alaina Stedillie are vying for the Vice President's seat; Emily Madden and Holli Welch are vying for the Young Lawyer Delegate to the American Bar Association (ABA) seat; and Micaela Lira, Jason Neville, Cameron Walker and Phillip Wulf are vying for an upcoming vacancy on the Judicial

Nominating Commission. She also shared that Kylie Waldrup will serve as the Second Judicial District Commissioner once Commissioner Playton's term is up next month.

Executive Director Wilkinson referenced an email she sent to the Board this week regarding Dona Playton having to resign from her seat as the Bar's Delegate to the ABA as a result of her appointment to the ABA Board of Governors. She shared that the Bylaws require the Board to fill the vacancy within 30 days of the resignation; however, the 30th day is September 17th, just two days shy of the Board's already scheduled September 19th meeting at the Annual Meeting.

After discussion, Treasurer Neville made a motion to stray from the Bylaws and meet on September 19, 2025, to make the selection of the Bar's ABA Delegate. Commissioner Wasserburger seconded the motion. The motion carried unanimously.

Executive Director Wilkinson provided an update on Annual Meeting planning and shared that they had surpassed their goal for sponsorships. She also shared that she is working closely with Decisis on a new AI member benefit through LexisNexis. She reported that she has met the Court's new Communications Director, Jacob Just, and she looks forward to working with him.

Executive Director Wilkinson reminded the Board that any resolutions for the improvement of the Bar were due to her August 20th and she did not receive any.

President James T. Whiting adjourned the meeting at 5:15 p.m. on Friday, August 22, 2025.

Minutes Submitted by:

Sharon Wilkinson
Executive Director