

Ethically Speaking Index

The Wyoming State Bar is proud to have published Professor John Burman’s Ethically Speaking column in the *Wyoming Lawyer* for more than 18 years. Below is an index of those columns. Digital issues from 2011 to present can be found online at www.wyomingbar.org. For articles prior to 2011, please contact Sharon Wilkinson, Editor, at (307) 432-2102 or by e-mail at swilkinson@wyomingbar.org.

COMING SOON – fully searchable index!

Title	Subject	Rules (WRPC unless otherwise noted)	Wyoming Lawyer Issue
Ethical Issues – Attorney/Client Privilege	Client Confidentiality	1.6, W.S. § 1-12-101, WRE 501	February 1996
When the Attorney-Client Privilege is Not Protected	Client Confidentiality	1.6, 3.3	April 1996
The Duty to Disclose Privileged Communications: Client Perjury	Candor to the Tribunal	1.6, 3.3, 4.1	June 1996
Disclosing Privileged Communications: The Duty to Warn	Client Confidentiality	1.6	August 1996
The Attorney Work Product Privilege	Work Product Doctrine	W.R.Civ.P. 26(b)(3)	October 1996
Conflicts of Interest: General Standards	Conflicts of Interest	1.7, 1.10	December 1996
Conflicts of Interest: Attorney Disqualification	Conflicts of Interest	1.7, 1.9, 1.10	February 1997
Conflicts of Interest in Criminal Defense	Conflicts of Interest	1.7, U.S. Const. 6 th , 14 th Am.	April 1997
Conflicts of Interest When Switching Law Firms	Conflicts of Interest	1.7, 7.3	June 1997
Conflicts of Interest When Switching Law Firms – Legal Issues	Conflicts of Interest	1.16	August 1997
Support Staff Conflicts of Interest	Conflicts of Interest	1.7, 1.8, 1.9, 1.10, 5.3	October 1997
Wyoming’s New Rules on Advertising and Soliciting	Advertising/Solicitation	7.1, 7.2, 7.3	December 1997
Fee Agreements and Fee Dispute Resolution	Fees	1.5, Fee Dispute Rules	February 1998
Billing for Disbursements and Other Charges	Fees	1.4, 1.5, 7.1	April 1998
Ethics of Hourly Billing	Fees	1.4, 1.5	June 1998
Ethics of Contingent Fee Agreements	Fees	1.5, Contingent Fee Rules	August 1998
Business Transactions with Clients	Conflicts of Interest	1.8	October 1998
Third Party Payers of Legal Fees	Conflicts of Interest	1.8, 5.4	December 1998
Ethics of Alternative Fee Agreements	Fees	1.4, 1.5	February 1999
Representing Organizational Clients	Organization as Client	1.13	April 1999

Ethically Speaking Index

Title	Subject	Rules (WRPC unless otherwise noted)	Wyoming Lawyer Issue
Duties of Pro Hac Vice Lawyers and Local Counsel	Pro Hac Vice	U.R.Dist.Ct. 102, 104	June 1999
Litigation Guidelines and Third Party Audits of Fees	Conflicts of Interest	1.8, 5.4	August 1999
Lawyer as Witness	Lawyer as Witness	3.7	October 1999
Lawyers and Extrajudicial Statements	Trial Publicity	1.6, 3.6	December 1999
Technology Ethics Part I	Competence, Communication, Confidentiality	1.1, 1.4, 1.6	February 2000
High Tech Ethics Part II	Advertising/Solicitation	7.1, 7.2, 7.3, 7.4	April 2000
Ownership, Access, and Retention of Client Files	File Retention	1.4, 1.6, 1.9, 1.15, 1.16	June 2000
[No article]			August 2000
Special Ethical Duties of Government Lawyers	Government Lawyers	3.6, 3.8, 4.2	October 2000
Communications with Persons Represented by Counsel	No-Contact Rule	4.2	December 2000
Communications with Government Entities	No-Contact Rule	4.2	February 2001
Supervisory Responsibility of Lawyers	Duty to Supervise	5.1, 5.2, 5.3	April 2001
Meritorious Claims and Defenses	Good Faith Pleading	3.1	June 2001
Role of Trial Courts in Regulating Lawyers' Conduct	Professional Conduct	U.R.Dist.Ct. 801, 901	August 2001
Lawyers and Domestic Violence Part I	Family Law		October 2001
Lawyers and Domestic Violence Part II	Family Law		December 2001
Lawyers and Domestic Violence Part III	Family Law		February 2002
Representing Organizations Part I: Who is the Client?	Organization as Client	1.13	April 2002
Representing Organizations Part II: Whistle-Blowing Obligations	Organization as Client	1.6, 1.13, 1.16, 4.2, 4.3	June 2002
Representing Organizations Part III: Conflicts of Interest	Organization as Client	1.7, 1.13	August 2002
Indices to Ethical Issues Columns			October 2002
Attorney's Obligation to Report Misconduct	Reporting Misconduct	8.3	December 2002
Recent Amendments to the WRPC - Part I	Limited Scope Rep.	1.2, 6.5	February 2003
Recent Amendments to the WRPC - Part II	Guardians ad Litem	1.2, 1.6, 1.14	April 2003
[No article]			June 2003
Cross-Examining a Witness About Communications with Lawyer	Fairness to Opposing Party	3.4	August 2003
Wyoming's New Disciplinary Code	Disciplinary Procedure		October 2003

Ethically Speaking Index

Title	Subject	Rules (WRPC unless otherwise noted)	Wyoming Lawyer Issue
Defining the Practice of Law	Unauth. Practice of Law	5.5, BarOrg. R. 11, UPL Rules	December 2003
Advising Clients About Non-Legal Matters	Scope of Representation	1.2, 1.4, 2.1	February 2004
Professionalism and Leadership (with Chief Justice Hill)	Professionalism		April 2004
A Lawyer's Duties to Non-Clients	Duties to Non-Clients	4.1, 4.2, 4.3, 4.4, 7.1, 7.2	June 2004
A Lawyer's Legal Duty to Clients	Legal Malpractice		August 2004
A Lawyer's Fiduciary Duties	Fiduciary Duty		October 2004
Representing Parent in High-Conflict Contested Custody Case	Family Law	1.2	December 2004
Ownership, Access, and Retention of Client Files: An Update	File Retention	1.4, 1.6, 1.9, 1.15, 1.16	February 2005
Committee Recommends Changes to the WRPC	Amendments to WRPC		April 2005
Defining the Practice of Law: An Update	Unauth. Practice of Law	5.5, BarOrg. R. 11, 11.1	June 2005
Wyoming's New Payment and Practice Standards for Guardians ad Litem in Juvenile Court	Guardians ad Litem	1.2, 1.4, 1.6, 1.14, Wyo. Stat. Title 14, U.R.Dist.Ct. 106	August 2005
Who May Practice Law in Wyoming?	Unauth. Practice of Law	BarOrg. R. 11, 11.1	October 2005
The Attorney-Client Privilege in Wyoming - Part I. The Basics	Client Confidentiality	1.6, W.S. § 1-12-101; WRE 501	December 2005
The Attorney-Client Privilege - Part II. Waiver and Exceptions	Client Confidentiality	1.6, W.S. § 1-12-101, W.R.Civ.P. 26	February 2006
The Work Product Doctrine	Work Product Doctrine	W.R.Civ.P. 26(b)(3), W.R.Crim.P.16(a)(2) & (b)(2)	April 2006
Supreme Court Adopts Changes to the WRPC	Amendments to WRPC		June 2006
Attorney's Obligations of Confidentiality Under New WRPC	Client Confidentiality	1.6, 1.8, 1.9, 1.18	August 2006
Teaching Ethics (and Other Things) in Jordan	Perspective		October 2006
Disclosure of Confidential Information under New WRPC * (includes recommended procedure in withdrawing from case)	Client Confidentiality	1.6, 4.1, 1.16, W.S. § 14-3-205, W.S. § 35-20-103(a)	December 2006
Attorney's Tort Duty to Warn Under <i>Tarasoff</i>	Client Confidentiality	1.6, 4.1	February 2007
Communications About Legal Services Part I – Constitutional Framework	Advertising/Solicitation	7.1, 7.2, 7.3, 7.4, 7.5	April 2007
Communications About Legal Services Part II – New WRPC	Advertising/Solicitation	7.1, 7.2, 7.3, 7.4, 7.5	June 2007
Trial Publicity: Lawyers and Extrajudicial Statements	Trial Publicity	1.6, 3.6, 3.8, 5.1, 5.3	August 2007

Ethically Speaking Index

Title	Subject	Rules (WRPC unless otherwise noted)	Wyoming Lawyer Issue
The Duty of Communication Under New WRPC	Duty of Communication	1.2, 1.4, 2.1	October 2007
Prospective and Diminished Capacity Clients Under New WRPC	Prospective Clients, Diminished Capacity Client	1.14, 1.18	December 2007
Attorney's Duties Regarding ADR, Including Mediation and Intermediation	Alternative Dispute Resolution, Mediation	2.2, 2.4, W.R.Civ.P. 40(b)	February 2008
Attorney's Duties to Prospective and Former Prospective Clients Who Never Become Clients	Client Confidentiality	1.9, 1.18	April 2008
Dealing with an Opposing Party Who is Proceeding Pro Se	Unrepresented Parties	4.1, 4.2, 4.3	June 2008
Juvenile Court, Part I - Rules of Procedure for Juvenile Courts and Transfer of GAL Program to Public Defender's Office	Guardians ad Litem	Wyo. Stat. Title 14, R.Proc.Juv.Cts	August 2008
Juvenile Court, Part II - Some of the Legal Knowledge Reasonably Necessary to be a Competent Guardian ad Litem	Guardians ad Litem	1.2, 1.6, 1.7	October 2008
Juvenile Court, Part III - More of the Legal Knowledge Reasonably Necessary to be a Competent Guardian ad Litem	Guardians ad Litem	W.S. §§ 14-3-201 et seq., 14-3-401 et seq., 14-6-201 et seq., 14-6-401 et seq.	December 2008
Juvenile Court, Part IV - The Public Defender's Rules and Regulations for the Guardians ad Litem Program	Guardians ad Litem	GAL Prog. Rules and Reg.	February 2009
Business Transactions with Clients	Conflicts of Interest	1.7, 1.8	April 2009
Nelson Mandela: A Man and a Lawyer to Admire and Emulate	Perspective		June 2009
Wyoming Supreme Court Adopts New Code of Judicial Conduct	Judicial Ethics	Code of Jud. Cond.	August 2009
The Ethics of Requiring Retirement at Age 70 for Some Judges in Wyoming	Judicial Ethics	W.S. § 5-1-106(a)	October 2009
Closing a Law Firm: Part I - Withdrawal from Representation and File Retention and Destruction	File Retention	1.6, 1.9, 1.16	December 2009
Closing a Law Firm: Part II - Sale of All or Part of a Law Practice	Sale of Law Practice	1.6, 1.9, 1.17	February 2010
Ethics in Child Custody Proceedings: Changing From Client-Centered to Family-Centered Representation	Family Law	1.2, 1.4, 1.6, 1.7, W.S. § 14-3-205(a)	April 2010
Should Prospective Clients Know if Law Firms do not have Malpractice Insurance?	Legal Malpractice	1.4	June 2010

Ethically Speaking Index

Title	Subject	Rules (WRPC unless otherwise noted)	Wyoming Lawyer Issue
Duties to Prospective Clients	Prospective Clients	1.4, 1.6, 1.18	August 2010
Lawyers' and Judges' Ethical Duty of Competence	Competence	1.1, Code of Jud. Cond.	October 2010
Judges' and Lawyers' Ethical Duty of Independence	Conflicts of Interest	1.2, 2.1; Code of Jud. Cond.	December 2010
Waiving a Conflict of Interest and Revoking that Waiver: Part I - Current Clients	Conflicts of Interest	1.7	February 2011
Waiving a Conflict of Interest and Revoking that Waiver: Part II - Future Conflicts and Conflicts Involving Former Clients	Conflicts of Interest	1.7, 1.9	April 2011
Waiving a Conflict of Interest and Revoking that Waiver: Part III - Conflicts Involving Prospective and Former Prospective Clients	Conflicts of Interest	1.6, 1.9, 1.18	June 2011
Lawyers' Duties to Tribunals: Part I - Meritorious Claims and Defenses	Good Faith Pleading	3.1, 3.3, 3.4, 3.8, W.R.Civ.P. 11	August 2011
9/12 – A 9/11 Retrospective	Perspective		October 2011
Lawyers' Duties to Tribunals: Part II - Candor	Candor to the Tribunal	1.6, 3.3	December 2011
Lawyers' Duties to Tribunals: Part III - Protecting the Integrity of the Legal System	Duties Owed to Legal System	3.4, 3.5	February 2012
Some Reflections After Teaching, Thinking and Writing About Professional Responsibility for Over Twenty Years	Perspective		April 2012
Incapacitated Lawyers	Competence	WSB Bylaws, Disc. Code	June 2012
Forming the Lawyer-Client Relationship, Part I: The Nature and Elements of the Relationship	Attorney/Client Relationship	1.3, 1.18	August 2012
Forming the Lawyer-Client Relationship, Part II: Special Considerations When Representing an Organization	Organization as Client	1.13	October 2012
Forming the Lawyer-Client Relationship, Part III: Special Considerations When Representing a New Organization	Organization as Client	1.3, 1.7, 1.13	December 2012
Forming the Lawyer-Client Relationship, Part IV: Limited Representation	Limited Scope Rep.	1.2	February 2013
Good-Bye To All That	Perspective		April 2013
Lawyer Trust Account Rules Changed Recently	Lawyer Trust Accounts	1.15, 1.15A	June 2013
A Lawyer as a Representative, Part I: Advisor	Lawyer's Role	2.1	August 2013

Ethically Speaking Index

Title	Subject	Rules (WRPC unless otherwise noted)	Wyoming Lawyer Issue
A Lawyer as a Representative, Part II: Intermediator	Lawyer's Role	2.2	October 2013
A Lawyer as a Representative, Part III: Advocate	Lawyer's Role	1.2, 1.3, 3.1-3.9	December 2013
[No article]			February 2014
A Lawyer as a Representative, Part IV: Evaluator	Lawyer's Role	2.3	April 2014
A Lawyer as a Representative, Part IVa: Guardian Ad Litem	Lawyer's Role	1.2, 1.4, 1.14, W.S. §§ 14-3-401 <i>et seq.</i> , §§ 14-6-201 <i>et seq.</i> , §§ 14-6-401 <i>et seq.</i>	June 2014
A Lawyer as a Representative, Part IVb: Guardian Ad Litem	Lawyer's Role	1.2, 1.4, 1.6, 1.14	August 2014