# Office of Bar Counsel Disciplinary Summary

The following compilation of disciplinary action taken by the Board of Professional Responsibility collects cases arising since 2002, along with some earlier cases published in *Pacific Reporter*. For cases of public discipline that were not published in *Pacific Reporter*, a citation to the Wyoming Supreme Court docket number is provided. The disciplinary summary is intended as a useful guide to aid Wyoming practitioners as they encounter situations in which one or more of the provisions of the Wyoming Rules of Professional Conduct may be implicated. The summaries provided are just that – summaries – and do not purport to be an exhaustive presentation of the facts supporting or the reasons applied to a particular disciplinary action.

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## CLIENT-LAWYER RELATIONSHIP

### Rule 1.1. Competence

**A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.**

Attorney abandoned practice, resulting in numerous client complaints and several claims being paid by the Clients' Security Fund. Other rules violated: 1.3, 1.4, 1.5, 3.4, 8.4. **Discipline: Disbarment**. Attorney stipulated to disbarment and entered into payment plan to reimburse Wyoming State Bar for $16,000 in Clients' Security Fund payments as well as $500 administrative fee and $50 costs. *Bd. of Prof. Resp. v. Powers*, 340 P.3d 997 (Wyo. 2014).

Disciplinary proceedings in Utah against Wyoming-licensed attorney resulted in a determination that attorney was involved in numerous incidents of negligent representation of clients, trust account violations, ignoring a subpoena issued by a Utah agency, five DUI arrests in a 10-month period and a plea of guilty to a bad check charge relating to his trust account. As a result, attorney received a lengthy suspension in Utah. Following a reciprocal discipline hearing before the Wyoming Board of Professional Responsibility (BPR) to determine the appropriate sanction for attorney's misconduct, the BPR recommended that attorney be disbarred in Wyoming, Other rules violated: 1.3, 1.4, 1.5, 1.15, 1.16, 8.1, 8.4. **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,912.56 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Johnson*, 428 P.3d 457 (Wyo. 2018).

Elected district attorney violated her duties of competence and diligence in numerous matters. Attorney also made misrepresentations to courts and to disciplinary counsel and failed to comply with court rules and directives. In numerous instances, attorney engaged in conduct prejudicial to the administration of justice. In finding that attorney's conduct warranted disbarment, the Court identified how attorney's conduct negatively impacted the public's perception of the criminal justice system when she placed blame on law enforcement for her own shortcomings and endeavored to circumvent public knowledge of her failures through false statements to the public and to disciplinary counsel. Similarly, attorney's failure to accept responsibility for her office's errors and her false statements placing blame on the courts reflected negatively on the judicial branch and conceivably engendered disrespect and a lack of public confidence in the courts. In addition, attorney's mass dismissal of hundreds of cases based on her mismanagement of the caseload and services of her office constituted conduct prejudicial to the administration of justice. The Court held attorney's actions were "a complete refusal to perform the duties imposed on her as the District Attorney." Rules violated: 1.1, 1.3, 3.3(a), 3.4(c), 8.1(a), 8.4(d). **Discipline: Disbarment.** Attorney was ordered to pay costs and administrative fees in the amount of $32,410.21 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Manlove*, 527 P.3d 186 (Wyo. 2023).

Attorney filed a lawsuit in federal court. After filing the lawsuit, Attorney had no further contact with his clients despite repeated calls and emails to him and took no further action in the case although he did not withdraw as the attorney of record. Shortly after the lawsuit was filed, the

United States Supreme Court issued an opinion directly addressing the subject matter of the lawsuit. Opposing counsel wrote a letter to Attorney demanding that he voluntarily dismiss the lawsuit. Attorney did not respond to the letter and did not dismiss the lawsuit. Opposing counsel filed a motion to dismiss and a motion for sanctions. Attorney did not respond to either motion, virtually guaranteeing that the lawsuit would be dismissed, and did not communicate with his clients regarding the motions. After granting the motion to dismiss, the federal court issued an Order to Show Cause to Beduhn, to which he did not respond. The federal court ordered Beduhn to personally pay the opposing parties' attorneys' fees.

Two complaints were filed with the Office of Bar Counsel regarding Attorney's conduct. Attorney did not respond to either complaint despite repeated requests. Attorney did not respond to the formal disciplinary charge that followed. Rules violated: 1.1 (competence), 1.3 (diligence), 1.4 (communication), 3.1 (meritorious claims and contentions), 3.3 (candor toward the tribunal), 3.4 (fairness to opposing counsel), 8.1 (bar admission and disciplinary matters), and 8.4(d) (conduct prejudicial to the administration of justice). **Discipline: Disbarment.** Attorney was ordered to pay $1,435.14 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn*, 552 P.3d 371 (Wyo. 2024).

Attorney told clients that the interest on the settlement funds was not taxable. Attorney also filed a suit against the defendant that had no merit. Other rules violated: Rules 1.2, 1.4, 1.5, 1.15, 3.1, 4.2, 8.4. **Discipline: Suspension.** Attorney suspended for three years. *Bd. of Prof. Resp. v. Fulton*, 133 P.3d 514 (Wyo. 2006).

Attorney failed to appear at various hearings and two bench trials and failed to file the documents requested by a client. Other rules violated: Rules 1.2, 8.4. **Discipline: Suspension.** Attorney suspended for one year and required to pay prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Cundy*, 201 P.3d 419 (Wyo. 2008).

Attorney failed to provide competent legal services in a timely fashion and to properly communicate with his clients in two cases. Other rules violated: Rules 1.3, 1.4. **Discipline: Suspension.** Attorney suspended for one year. *Bd. of Prof. Resp. v. McLaughlin*, 136 P.3d 158 (Wyo. 2006).

Attorney participated for a number of years in a diversion program aimed at rehabilitation, dating back to 2006, but was twice convicted of driving under the influence of alcohol during 2010. Concerns were also brought by a county court system and by clients that the attorney was not adequately representing clients in court proceedings. Other rules violated: Rules 1.3, 1.4, 1.5, 8.4. **Discipline: Suspension.** Attorney suspended for one year and ordered to pay costs of $550. *Bd. of Prof. Resp. v. Anderson*, 261 P.3d 695 (Wyo. 2011).

Attorney did not follow the instructions of the clients, did not properly communicate with the clients, abandoned the clients, and did not complete work for the clients even though fees were collected for that work. Other rules violated: Rules 1.2, 1.3, 1.4, 1.5. **Discipline: Suspension.** Attorney suspended for one year. *Bd. of Prof. Resp. v. Hansen*, Wyoming Supreme Court No. D-04-2. (not reported in P.3d.).

Attorney filed a complaint on client's behalf but failed to pursue the matter with reasonable diligence. Attorney misled client as to progress on the case, including preparing a surreptitious answer and providing a copy to the client, representing that another law firm was defending the case when in fact that defendant had not been served with the complaint. Other rules violated: Rules 1.3, 1.4, 3.2 and 8.4(c). **Discipline: Suspension**. Attorney suspended for five years and ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Benham*, 283 P.3d 452 (Wyo. 2012).

Attorney representing a client in a divorce action neglected to obtain in the divorce decree a share of the retirement account that had accumulated during the client's marriage, resulting in $35,000 not being received by attorney's client. Attorney initially agreed to reimburse the client. When attorney failed to do so, the client submitted a complaint to Bar Counsel. After the disciplinary complaint was filed, attorney paid the $35,000. As the disciplinary case proceeded, attorney began to exhibit substance abuse problems. Attorney, who had a history of substance abuse and prior public discipline, was charged with driving under the influence. While that charge was pending, attorney missed court appearances and appeared in court in an impaired condition, resulting in attorney's arrest. Other rules violated: 1.3, 1.4 and 8.4(b). **Discipline: Suspension.** Attorney suspended for one year and ordered to pay an administrative fee of $500 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jenkins*, 307 P.3d 826 (Wyo. 2013).

Attorney agreed to represent an out-of-state personal representative in the probate of the estate and agreed to serve as co-personal representative. Attorney failed to perform his duties in a timely, competent manner. Following a hearing, the Board of Professional Responsibility found that attorney violated several Rules of Professional Conduct in his handling of a probate matter. Other rules violated: 1.3, 1.4, 1.15, 3.1(c), 3.3. **Discipline: Suspension**. Attorney suspended for 90 days and ordered to reimburse the Wyoming State Bar for costs in the amount of $5,831.92 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Bagley*, 327 P.3d 721 (Wyo. 2013).

Attorney failed to timely file a notice of appeal in an adoption matter. Attorney, who had recently received a public censure for his neglect in three different matters, stipulated to a suspension for similar misconduct in the adoption case and three additional matters. Other rules violated: 1.3, 1.4, 3.4. **Discipline: Suspension**. Attorney suspended for nine months and ordered to reimburse the Wyoming State Bar for costs $50.00 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Powers,* 322 P.3d 1287 (Wyo. 2014).

Attorney failed in professional obligations to two insurance company clients. As to one client, attorney failed to remit settlement funds to the insurance company and failed to respond to numerous demands for payment. As to the other client, attorney mishandled the insurance company's representation in ten different matters. The insurance company sued attorney and obtained a substantial default judgment against attorney. Other rules violated: 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 3.2, 3.4, 8.1 and 8.4. **Discipline: Suspension.** Attorney suspended for five years and ordered to reimburse the Wyoming State Bar for costs of $50 and administrative fee of $500. Before attorney can apply for reinstatement, he must take and pass the bar exam and show evidence of having made restitution to his insurance company client. *Bd. of Prof. Resp. v. Shreve*, 341 P.3d 370 (Wyo. 2014).

Attorney missed court deadlines and otherwise failing to comply with court rules in numerous matters over a several year period. Attorney, who had a significant disciplinary history including public censures in 2006 and 2009, agreed to the suspension and probationary terms which included the implementation of formal office policies and procedures and monthly reports to the Office of Bar Counsel regarding attorney's compliance with probationary terms. Other rules violated: Rules 1.3, 8.4(d). **Discipline: Suspension with Probation.** Attorney suspended for six months, with suspension stayed upon compliance with terms of probation. Attorney also ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Abraham*, 376 P.3d 483 (Wyo. 2016).

Attorney committed professional misconduct in a number of client matters, including violation of attorney's duties of competence, diligence, and maintaining communication with clients. Attorney's neglect in several cases, including his failure to appear at scheduled hearings, led to the assessment of monetary and other sanctions against clients, some of which were paid by attorney personally. In two cases, attorney's clients' cases were dismissed because of Attorney's neglect. In one case, a client paid attorney $500.00 for the cost of a hearing transcript in connection with an appeal but attorney never obtained the transcript. This conduct constituted a violation of attorney's duty to safeguard client property. Other rules violated: Rules 1.3, 1.4, 1.15, 1.16. **Discipline: Suspension.** Attorney suspended for two years. Attorney was ordered to pay $1,075.85 to a former client and to pay $3,750.00 in administrative fees and $5,475.18 in costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn,* 402 P.3d 950 (Wyo. 2017).

Attorney committed professional misconduct in a client matter in which attorney violated a lawyer's duties of competence, diligence, and maintaining communication with client, and also collected a fee for services he failed to provide. Attorney also failed to cooperate with Bar Counsel's investigation of client's complaint including failure to respond to the formal disciplinary charge, which resulted in a default being entered against attorney in the disciplinary proceeding. Other rules violated: Rules 1.3, 1.4, 1.5, 8.1(b). **Discipline: Suspension.** Attorney suspended for six months to run consecutively with previously-issued order of two year suspension. Attorney ordered to refund $1,000.00 fee to client and to pay an administrative fee of $750.00 and costs in the amount of $605.15 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn,* 406 P.3d 1220 (Wyo. 2017).

Attorney failed to comply with Wyoming statutes in the filing of a personal injury action, misled his client as to the status of the personal injury action and missed court deadlines in two separate matters. Rules violated: 1.1, 1.3, 1.4, 3.4(c), 8.4(c). **Discipline: Suspension.** Attorney suspended for one year and ordered to pay an administrative fee in the amount of $1,500.00 ($750.00 each for two separate disciplinary complaints) and costs of $100.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Pearce*, 446 P.3d 717 (Wyo. 2019).

Attorney represented a Wyoming resident in a debt collection matter. In the course of the representation, Attorney violated his duty of competence and diligence in addition to failing to communicate with his client. Attorney also made numerous unintentional misrepresentations to his client. Rules violated: 1.1, 1.3, 1.4, 8.4(c). **Discipline: Suspension.** Attorney agreed to a 3-month suspension, which was recommended to the Supreme Court by the Board of Professional Responsibility of the Wyoming State Bar. Attorney was ordered to pay an administrative fee in the amount

of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Cobb*, 587 P.3d 113 (Wyo. 2026).

Attorney failed to respond to the Court's disciplinary show cause order filed as a result of his failing to file a brief on behalf of his client. Other rule violated: Rule 3.4. **Discipline: Public Censure.** Attorney publicly censured, indefinitely suspended from the practice of law before the 10th Circuit Court of Appeals and required to pay some of the prosecuting costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Bustos,* 224 P.3d 873 (Wyo. 2010).

Attorney failed to provide a proper record to the Wyoming Supreme Court when he appealed a case for a client, which resulted in his losing the appeal and having costs and fees awarded in favor of the opposing party. Other rule violated: 1.4, by failing to keep his client reasonably informed about the status of the matter. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. Attorney also required to attend ten additional CLE hours. *Bd. of Prof. Resp. v. Chance*, Wyoming Supreme Court No. D-04-5 (not reported in P.3d).

Attorney undertook to represent a client with respect to a personal injury claim, including the preparation of a government claims act notice and a civil complaint, but failed to prepare and file those documents and failed to do anything to preserve the client's claim. Other rules violated: 1.3, 1.4. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the costs of the Wyoming State Bar for prosecution of the matter. *Bd. of Prof. Resp. v. Dunn*, 262 P.3d 1268 (Wyo. 2011).

In the course of representing a criminal defendant, attorney failed to file post-trial motions in a timely manner. That failure led to a finding by the Wyoming Supreme Court that attorney's client had received ineffective assistance of counsel, with the Court ordering a new trial for the attorney's client. Other rules violated: 1.3. **Discipline: Public Censure.** Attorney publicly censured and required to pay the costs of the Wyoming State Bar for prosecuting this matter. *Bd. of Prof. Resp. v. Vreeland*, 272 P.3d 960 (Wyo. 2012).

Attorney accepted a $2,500 retainer to represent a client in a matter. Attorney failed to perform work on the case and failed to return the client's telephone calls. The client terminated attorney's representation and submitted a complaint to Bar Counsel. In response to Bar Counsel's inquiry, attorney returned the $2,500 retainer but failed to respond to Bar Counsel's proposal that attorney agree to a public censure. Even after formal disciplinary charges were brought, attorney continued to send the client a bill for a "balance due" in the amount of $425.00. Other rules violated: 1.3 and 1.4. **Discipline: Public Censure.** Attorney ordered to pay an administrative fee and costs totaling $2,357.89. *Bd. of Prof. Resp. v. Pretty*, 295 P.3d 833 (Wyo. 2013).

Attorney undertook representation of two immigration clients. While attorney was out of the country on an extended absence, filing deadlines were missed and other mistakes were made which resulted in additional delays, inconvenience and expense for his clients. Other Rules violated: 1.3 and 5.3. **Discipline: Public Censure.** Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd.of Prof. Resp. v. Boachie-Yiadom*, 309 P.3d 816 (Wyo. 2013).

Attorney undertook the representation of a client on a criminal charge of driving under the influence of alcohol. After missing several court dates, attorney attempted to negotiate a plea agreement to have his client plead guilty to the DUI charge based on attorney's belief that blood testing revealed the presence of alcohol in client's system. In fact, the blood test indicated no alcohol. Client retained other counsel and submitted a grievance to the Wyoming State Bar. After the grievance was filed, attorney failed to timely respond to Bar Counsel's inquiries in the matter, and failed to timely respond to a formal charge of professional misconduct brought by Bar Counsel. Other rules violated: 1.3, 1.4. **Discipline: Public Censure.** Attorney publicly censured and required to pay administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Johnson*, 355 P.3d 1234 (Wyo. 2015).

In representing the personal representative of an estate, attorney missed numerous deadlines set by the Wyoming probate code. Attorney also charged and accepted fees from personal representative without prior approval of the court as required by statute, which resulted in an order requiring attorney to refund those fees to the estate. Other rules violated: 1.3, 1.5. **Discipline: Public Censure.** Attorney ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Learned*, 403 P.3d 1062 (Wyo. 2017).

Attorney who had previously received a public censure for lack of diligence in a different matter failed to correctly calendar the due date for an appeal brief, resulting in the dismissal of the appeal. The appeal was subsequently reinstated. Other rule violated: Rule 1.3. **Discipline: Private Reprimand.** The attorney was ordered to obtain six hours of CLE in law office management, and to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney filed a Wyoming divorce action on behalf of the husband. Wife filed a divorce action in Arizona. Attorney, who was not licensed to practice in Arizona, assisted the husband in preparing a pleading which was rejected by the Arizona court as not having the required size of paper. Eventually, a negotiated settlement was reached which required husband to make a $5,000 cash payment to the wife, to be funded from the anticipated refund on an amended, joint tax return the parties agreed to file. The stipulated divorce decree prepared by the attorney omitted the provision requiring the parties to cooperate in filing an amended tax return. The husband pointed the omission out to the attorney, but the attorney advised the husband to sign the stipulated decree anyway, believing that the wife would cooperate. After the decree was entered, the wife refused to cooperate in filing an amended tax return and sought the court's assistance to compel the client to pay the $5,000 required by the decree. The client ended up paying the $5,000, plus the ex-spouse's attorney's fees associated with bringing the motion to enforce the divorce decree, out of the client's own pocket. **Discipline: Private Reprimand.** Attorney agreed to reimburse his client for the $5,000 payment, plus the attorney's fees the client had to pay to the ex-spouse's attorney. The attorney was ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney represented the personal representative in the probate of a testamentary estate in which the decedent was the personal representative's husband. Attorney failed to adequately document that he had advised the personal representative of her entitlement to a 25% elective share of the estate, though the share of the estate ultimately paid to the personal representative exceeded the 25% elective share. The attorney also allowed checks for the specific bequests to be paid before

the order allowing payment had actually been entered, and represented to the court that all appropriate waivers and consent forms had been signed by the beneficiaries and filed with the court when they had not. Copies of all checks evidencing payment as set forth in the will were eventually filed with the court. **Discipline: Private Reprimand.** Attorney stipulated to the private reprimand and was ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney undertook to file a motion for sentence reduction on behalf of criminal client. Under Wyoming law, such motions are required to be filed within one year of the sentencing order. Attorney missed filing deadline by several days, which resulted in the motion being denied as untimely. Thereafter, attorney failed to respond to several letters from client. Other rules violated: 1.3, 1.4. **Discipline: Private Reprimand.** Attorney was ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney represented a defendant in a criminal matter which resulted in a conviction of aggravated assault by threatening to use a drawn weapon. On appeal, the Wyoming Supreme Court reversed the conviction, holding that the attorney's failure to retain an expert witness to offer opinions regarding the distances involved in the underlying altercation constituted ineffective assistance of counsel. Other rule violated: 1.3. **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

**Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer**

**(a) Subject to paragraphs (c), (d), and (e), a lawyer shall abide by a client's decisions concerning the objectives of representation, and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.**
**(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.**
**(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent. An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with this rule is considered to be unrepresented for purposes of Rules 4.2 and 4.3 unless the opposing lawyer knows of or has been provided with:**
**(1) a written notice stating that the lawyer is to communicate only with the limited representation lawyer as to the subject matter of the limited representation; or**
**(2) a written notice of the time period during which the lawyer is to communicate only with the limited representation lawyer concerning the subject matter of the limited representation.**
**(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.**

**(e) When a lawyer is appointed to act as a guardian ad litem, the lawyer shall represent what he or she reasonably believes to be in the best interests of the individual. The lawyer shall not, therefore, be bound by the individual's objectives for the representation. The lawyer shall, however, consult with the individual, in a manner appropriate to the age and/or abilities of the individual, as to the objectives the lawyer intends to pursue, as well as the means by which those objectives will be pursued.**

Attorney counseled clients regarding how to unlawfully avoid tax consequences of interest earned from the settlement monies. Other rules violated: 1.1, 1.4, 1.5, 1.15, 3.1, 8.4. **Discipline: Suspension.** Attorney suspended for three years. *Bd. of Prof. Resp. v. Fulton*, 133 P.3d 514 (Wyo. 2006).

Attorney failed to appear at various hearings and two bench trials and failed to file the documents requested by a client. Other rules violated: Rules 1.1, 8.4. **Discipline: Suspension.** Attorney suspended for one year and required to pay prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Cundy*, 201 P.3d 419 (Wyo. 2008).

Attorney did not follow the instructions of the clients, did not properly communicate with the clients, abandoned the clients, and did not complete work for the clients even though fees had been collected for that work. Other rules violated: Rules 1.1, 1.2, 1.3, 1.*5.* **Discipline: Suspension.** Attorney suspended for one year. *Bd. of Prof. Resp. v. Hansen*, Wyoming Supreme Court No. D-04-2. (not reported in P.3d.).

Attorney failed in professional obligations to two insurance company clients. As to one client, attorney failed to remit settlement funds to the insurance company and failed to respond to numerous demands for payment. As to the other client, attorney mishandled the insurance company's representation in ten different matters. The insurance company sued attorney and obtained a substantial default judgment against attorney. Other rules violated: 1.1, 1.3, 1.4, 1.5, 1.15, 1.16, 3.2, 3.4, 8.1 and 8.4. **Discipline: Suspension.** Attorney suspended for five years and ordered to reimburse the Wyoming State Bar for costs of $50 and administrative fee of $500. Before attorney can apply for reinstatement, he must take and pass the bar exam and show evidence of having made restitution to his insurance company client. *Bd. of Prof. Resp. v. Shreve*, 341 P.3d 370 (Wyo. 2014).

Attorney was hired to represent Wife in a divorce proceeding and paid attorney a non-refundable "availability retainer" of $5,000.00. The "availability retainer" was not a flat fee; attorney's representation agreement stated that Wife was responsible for fees incurred after the $5,000.00 was exhausted. Wife's husband filed for divorce and Wife expressed repeated requests that marital assets should be preserved and expressed concerns about the depletion of marital assets by Husband. Despite Wife's repeated directives to exchange initial disclosures and commence discovery, attorney never did so nor did attorney request an accounting from husband. Attorney otherwise failed to respond from numerous inquiries from Wife. Wife ultimately terminated attorney's representation and retained other counsel.

As soon as attorney's representation was terminated, Wife made repeated requests for an invoice reflecting the time spent on the case and requested a refund of funds not utilized, which she never received. During the fourteen months attorney represented Wife, he never sent an invoice, even

after expressly requested, and did not communicate that Wife's "availability retainer" had purportedly been exhausted.

Wife submitted a complaint to the Office of Bar Counsel (OBC). Attorney failed to comply with numerous requests for information from OBC, resulting in OBC's filing a petition for attorney's immediate suspension with the Wyoming Supreme Court. Attorney was suspended but reinstated after he began cooperating with OBC. OBC's investigation continued until attorney stipulated that there was clear and convincing evidence of professional misconduct in the case, including attorney's failure to comply with Wife's directives concerning her divorce; failure to proceed diligently; failure to maintain adequate communication with client; billing abuses; failure to expedite litigation; failure to comply with court rules and failure to cooperate with a disciplinary investigation. The parties stipulated that in addition to violation of numerous Rules of Professional Conduct, the following aggravating factors were present: (1) prior disciplinary record; (2) pattern of misconduct; (3) multiple offenses; (4) bad faith obstruction of the disciplinary proceeding by intentionally failing to cooperate with the OBC's investigation; (5) submission of false evidence, false statements, or other deceptive practices during the disciplinary process; (6) refusal to acknowledge wrongful nature of conduct; and (7) substantial experience in the practice of law. There were no mitigating factors present.

Rules violated: 1.2, 1.3, 1.4, 1.5, 3.2, 3.4, 8.1. **Discipline: Suspension.** Attorney stipulated to a three-year suspension from the practice of law. The stipulation was considered and approved by a review panel of the Board of Professional Responsibility and recommended to the Court. In approving the recommendation of the Board of Professional Conduct's recommendation of a three-year suspension as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. Attorney was also required to refund $1500.00 to Wife. *Bd. of Prof. Resp. v. Tolin*, 501 P.3d 1232 (Wyo. 2022).

Attorney represented a client who was sued following a fire at the client's place of business that resulted in damage to an adjoining business. Attorney failed to maintain communication with his client and with the client's insurer and missed several deadlines in the case, including deadlines to file responses to two critical motions. Attorney misled the insurance company regarding case developments and failed to communicate settlement offers to the client and the insurer. Attorney was eventually terminated and replacement counsel was hired, who shortly got the case settled. Rules violated: 1.2, 1.3, 1.4, 3.3, 4.1, 8.4(c). **Discipline: Suspension.** Attorney agreed to a three-year suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. In consideration of a number of aggravating and mitigating factors, including attorney's sustained and successful efforts at recovery from alcohol use disorder and other psychological problems, the review panel approved the stipulated, three-year suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jerabek,* 519 P.3d 309 (Wyo. 2022).

Attorney missed a deadline to file an objection to the opposing party's submission of itemized damages. After missing the deadline but before an order was entered, Attorney informed her client

that she would file an objection the following week but did not do so. An order was entered adopting the requested damages in their entirety bearing statutory interest of 10% per annum. The order further required opposing counsel to file an affidavit of attorney's fees and required Attorney to file a response/objection thereto within five days. Attorney did not file an objection or response. Judgment was entered against Attorney's client in the amount requested in the affidavit of attorney's fees bearing statutory interest of 10% per annum. In total, judgments of $11,971.20 plus interest were entered against Attorney's client, neither of which were objected to by Attorney before the entry of the judgments. In response to the client's concerns about the judgments entered against her, Attorney informed her client that she is judgment proof and that there are no enforceable consequences to her if she does not satisfy the judgments. Attorney also provided her client with a referral to an out-of-state entity providing free legal services so that she could obtain information about filing bankruptcy to discharge the judgment. Rules violated: 1.2, 1.3. **Discipline: Public censure.** In approving the stipulation of Attorney and Deputy Bar Counsel for a public censure as the appropriate sanction for Attorney's misconduct, the Court ordered Attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Owens*, 510 P.3d 1072 (Wyo. 2022).

Attorney who provided limited scope representation to a client who had been sued in a collection action failed to reach a clear, written understanding with the client regarding the limited scope of the attorney's representation, failed to act with reasonable diligence in communicating with counsel for the collection agency, and failed to adequately inform the client of the consequences of certain action or inaction by the client. Other rules violated: Rules 1.3 and 1.4. **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney undertook limited scope representation of a client but did not obtain the written disclosure and consent required by Rule 1.2(c) of the Wyoming Rules of Professional Conduct. **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Note: Attorney was reprimanded under former version of Rule 1.2(c) which is no longer applicable.*

**Rule 1.3. Diligence**

**A lawyer shall act with reasonable diligence and promptness in representing a client.**

Attorney abandoned practice, resulting in numerous client complaints and several claims being paid by the Clients' Security Fund. Other rules violated: 1.1, 1.4, 1.5, 3.4, 8.4. **Discipline: Disbarment**. Attorney stipulated to disbarment and entered into payment plan to reimburse Wyoming State Bar for $16,000 in Clients' Security Fund payments as well as $500 administrative fee and $50 costs. *Bd. of Prof. Resp. v. Powers*, 340 P.3d 997 (Wyo. 2014).

Disciplinary proceedings in Utah against Wyoming-licensed attorney resulted in a determination that attorney was involved in numerous incidents of negligent representation of clients, trust account violations, ignoring a subpoena issued by a Utah agency, five DUI arrests in a 10-month period and a plea of guilty to a bad check charge relating to his trust account. As a result, attorney received a lengthy suspension in Utah. Following a reciprocal discipline hearing before the Wyo-

ming Board of Professional Responsibility (BPR) to determine the appropriate sanction for attorney's misconduct, the BPR recommended that attorney be disbarred in Wyoming, Other rules violated: 1.1, 1.4, 1.5, 1.15, 1.16, 8.1, 8.4. **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,912.56 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Johnson*, 428 P.3d 457 (Wyo. 2018).

Attorney lied to clients about the status of their cases, fabricated court documents and mishandled trust account funds belonging to the client as well as failing to respond to inquiries by the Wyoming State Bar's Office of Bar Counsel regarding her conduct. Rules violated: 1.3, 1.4, 3.2, 8.1, 8.4(b), (c) and (d). **Discipline: Disbarment.** In approving the stipulation of attorney and Bar Counsel for disbarment as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $1,500.00 and costs of $100.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Mathey*, 480 P.3d 1184 (Wyo. 2021).

Elected district attorney violated her duties of competence and diligence in numerous matters. Attorney also made misrepresentations to courts and to disciplinary counsel and failed to comply with court rules and directives. In numerous instances, attorney engaged in conduct prejudicial to the administration of justice. In finding that attorney's conduct warranted disbarment, the Court identified how attorney's conduct negatively impacted the public's perception of the criminal justice system when she placed blame on law enforcement for her own shortcomings and endeavored to circumvent public knowledge of her failures through false statements to the public and to disciplinary counsel. Similarly, attorney's failure to accept responsibility for her office's errors and her false statements placing blame on the courts reflected negatively on the judicial branch and conceivably engendered disrespect and a lack of public confidence in the courts. In addition, attorney's mass dismissal of hundreds of cases based on her mismanagement of the caseload and services of her office constituted conduct prejudicial to the administration of justice. The Court held attorney's actions were "a complete refusal to perform the duties imposed on her as the District Attorney." Rules violated: 1.1, 1.3, 3.3(a), 3.4(c), 8.1(a), 8.4(d). **Discipline: Disbarment.** Attorney was ordered to pay costs and administrative fees in the amount of $32,410.21 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Manlove*, 527 P.3d 186 (Wyo. 2023).

Attorney neglected two client matters, failed to communicate with the clients and committed acts of dishonesty with respect to both matters. Attorney did not dispute the allegations of a formal charge filed by Bar Counsel and failed to appear at a hearing to determine the appropriate sanction for his misconduct held before a hearing panel of the Board of Professional Responsibility. The Wyoming Supreme Court accepted and adopted the hearing panel's findings and its recommendation that attorney be disbarred. Hopkins was ordered to pay costs and administrative fees in the amount of $1,859.50 to the Wyoming State Bar. Rules violated: 1.3, 1.4 and 8.4(c). **Discipline: Disbarment.** Attorney was ordered to pay costs and administrative fees in the amount of $1,859.50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hopkins*, 527 P.3d 1219 (Wyo. 2023).

Attorney filed a lawsuit in federal court. After filing the lawsuit, Attorney had no further contact with his clients despite repeated calls and emails to him and took no further action in the case although he did not withdraw as the attorney of record. Shortly after the lawsuit was filed, the United States Supreme Court issued an opinion directly addressing the subject matter of the law-

suit. Opposing counsel wrote a letter to Attorney demanding that he voluntarily dismiss the lawsuit. Attorney did not respond to the letter and did not dismiss the lawsuit. Opposing counsel filed a motion to dismiss and a motion for sanctions. Attorney did not respond to either motion, virtually guaranteeing that the lawsuit would be dismissed, and did not communicate with his clients regarding the motions. After granting the motion to dismiss, the federal court issued an Order to Show Cause to Beduhn, to which he did not respond. The federal court ordered Beduhn to personally pay the opposing parties' attorneys' fees.

Two complaints were filed with the Office of Bar Counsel regarding Attorney's conduct. Attorney did not respond to either complaint despite repeated requests. Attorney did not respond to the formal disciplinary charge that followed. Rules violated: 1.1 (competence), 1.3 (diligence), 1.4 (communication), 3.1 (meritorious claims and contentions), 3.3 (candor toward the tribunal), 3.4 (fairness to opposing counsel), 8.1 (bar admission and disciplinary matters), and 8.4(d) (conduct prejudicial to the administration of justice). **Discipline: Disbarment.** Attorney was ordered to pay $1,435.14 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn*, 552 P.3d 371 (Wyo. 2024).

Attorney failed to safeguard a client's stock certificate and also failed to obtain a replacement stock certificate for three years. The attorney also failed to properly communicate with the client regarding this matter. In another matter, the attorney, while acting as co-personal representative for the Estate of a client whose will the attorney had drafted, took a personal loan from the Estate for over $44,000 and purchased a computer with assets of the Estate without permission of the other co-personal representative. The attorney eventually repaid the Estate, with interest, approximately two years later, after the attorney had been removed as the co-personal representative. Other rules violated: Rules 1.4, 1.15. **Discipline: Suspension.** Attorney suspended for five years**.** *Bd. of Prof. Resp. v. Gish*, Wyoming Supreme Court No. D-03-12 (not reported in P.3d).

Attorney failed to provide competent legal services in a timely fashion and to properly communicate with clients in two cases. Other rules violated: Rules 1.1, 1.4. **Discipline: Suspension.** Attorney suspended for one year. *Bd. of Prof. Resp. v. McLaughlin*, 136 P.3d 158 (Wyo. 2006).

Attorney did not follow the instructions of the clients, did not properly communicate with the clients, abandoned the clients, and did not complete work for the clients even though fees were collected for that work. Other rules violated: Rules 1.1, 1.2, 1.3, 1.5. **Discipline: Suspension.** Attorney suspended for one year. *Bd. of Prof. Resp. v. Hansen*, Wyoming Supreme Court No. D-04-2. (not reported in P.3d.).

Attorney participated for a number of years in a diversion program aimed at rehabilitation, dating back to 2006, but was twice convicted of driving under the influence of alcohol during 2010. Concerns were also brought by a county court system and by clients that the attorney was not adequately representing clients in court proceedings. Other rules violated: Rules 1.1, 1.4, 1.5, 8.4. **Discipline: Suspension.** Attorney suspended for one year and ordered to pay costs of $550. *Bd. of Prof. Resp. v. Anderson*, 261 P.3d 695 (Wyo. 2011).

Attorney failed to diligently pursue a matter for a client and filed a motion with improper comments about a District Court Judge. Other rules violated: Rules 8.2, 8.4(g). **Discipline: Suspension.** Attorney suspended for two months and ordered to pay $6676.67 for the costs of the proceeding as well as an administrative fee of $1000. *Bd. of Prof. Resp. v. Davidson,* 205 P.3d 1008 (Wyo. 2009).

Attorney failed to appear at an Order to Show Cause hearing in regard to an allegation the attorney had failed to provide discovery that had been due. Attorney had a family emergency but did not contact the Court or opposing counsel prior to that hearing. Attorney also missed a scheduling conference in a civil matter for the same reason. Attorney failed to move the litigation forward, diligently pursue the matter, and properly communicate with the client. Other rules violated: Rules 1.4 3.2, 3.4. **Discipline: Suspension**. Attorney suspended for two months. Attorney required to pay $250 prosecution costs of the Wyoming State Bar and administrative fees for the four cases of $2000. *Bd. of Prof. Resp. v. Cannon,* 189 P.3d 857 (Wyo. 2008).

Attorney filed a complaint on client's behalf but failed to pursue the matter with reasonable diligence. Attorney misled client as to progress on the case, including preparing a surreptitious answer and providing a copy to the client, representing that another law firm was defending the case when in fact that defendant had not been served with the complaint. Other rules violated: Rules 1.1, 1.4, 3.2 and 8.4(c). **Discipline: Suspension**. Attorney suspended for five years and ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Benham*, 283 P.3d 452 (Wyo. 2012).

Attorney representing a client in a divorce action neglected to obtain in the divorce decree a share of the retirement account that had accumulated during the client's marriage, resulting in $35,000 not being received by attorney's client. Attorney initially agreed to reimburse the client. When attorney failed to do so, the client submitted a complaint to Bar Counsel. After the disciplinary complaint was filed, attorney paid client the $35,000. As the disciplinary case proceeded, attorney began to exhibit substance abuse problems. Attorney, who had a history of substance abuse and prior public discipline, was charged with driving under the influence. While that charge was pending, attorney missed court appearances and appeared in court in an impaired condition, resulting in attorney's arrest. Other rules violated: 1.1, 1.4 and 8.4(b). **Discipline: Suspension.** Attorney suspended for one year and ordered to pay an administrative fee of $500 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jenkins*, 307 P.3d 826 (Wyo. 2013).

Attorney agreed to represent an out-of-state personal representative in the probate of the estate and agreed to serve as co-personal representative. Attorney failed to perform his duties in a timely, competent manner. Following a hearing, the Board of Professional Responsibility found that attorney violated several Rules of Professional Conduct in his handling of a probate matter. Other rules violated: 1.1, 1.4, 1.15, 3.1(c), 3.3. **Discipline: Suspension**. Attorney suspended for 90 days and ordered to reimburse the Wyoming State Bar for costs in the amount of $5,831.92 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Bagley*, 327 P.3d 721 (Wyo. 2013).

Attorney, who had recently received a public censure for his neglect in three different matters, stipulated to a suspension for similar misconduct in four new matters. Other rules violated: 1.1, 1.4, 3.4. **Discipline: Suspension**. Attorney suspended for nine months and ordered to reimburse

the Wyoming State Bar for costs $50.00 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Powers,* 322 P.3d 1287 (Wyo. 2014).

Attorney failed in professional obligations to two insurance company clients. As to one client, attorney failed to remit settlement funds to the insurance company and failed to respond to numerous demands for payment. As to the other client, attorney mishandled the insurance company's representation in ten different matters. The insurance company sued attorney and obtained a substantial default judgment against attorney. Other rules violated: 1.1, 1.2, 1.4, 1.5, 1.15, 1.16, 3.2, 3.4, 8.1 and 8.4. **Discipline: Suspension.** Attorney suspended for five years and ordered to reimburse the Wyoming State Bar for costs of $50 and administrative fee of $500. Before attorney can apply for reinstatement, he must take and pass the bar exam and show evidence of having made restitution to his insurance company client. *Bd. of Prof. Resp. v. Shreve*, 341 P.3d 370 (Wyo. 2014).

Attorney missed court deadlines and otherwise failing to comply with court rules in numerous matters over a several year period. Attorney, who had a significant disciplinary history including public censures in 2006 and 2009, agreed to the suspension and probationary terms which included the implementation of formal office policies and procedures and monthly reports to the Office of Bar Counsel regarding attorney's compliance with probationary terms. Other rules violated: Rules 1.1, 8.4(d). **Discipline: Suspension with Probation.** Attorney suspended for six months, with suspension stayed upon compliance with terms of probation. Attorney also ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Abraham*, 376 P.3d 483 (Wyo. 2016).

Attorney committed professional misconduct in a number of client matters, including violation of attorney's duties of competence, diligence, and maintaining communication with clients. Attorney's neglect in several cases, including his failure to appear at scheduled hearings, led to the assessment of monetary and other sanctions against clients, some of which were paid by attorney personally. In two cases, attorney's clients' cases were dismissed because of Attorney's neglect. In one case, a client paid attorney $500.00 for the cost of a hearing transcript in connection with an appeal but attorney never obtained the transcript. This conduct constituted a violation of attorney's duty to safeguard client property. Other rules violated: Rules 1.1, 1.4, 1.15, 1.16. **Discipline: Suspension.** Attorney suspended for two years. Attorney was ordered to pay $1,075.85 to a former client and to pay $3,750.00 in administrative fees and $5,475.18 in costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn,* 402 P.3d 950 (Wyo. 2017).

Attorney committed professional misconduct in a client matter in which attorney violated a lawyer's duties of competence, diligence, and maintaining communication with client, and also collected a fee for services he failed to provide. Attorney also failed to cooperate with Bar Counsel's investigation of client's complaint including failure to respond to the formal disciplinary charge, which resulted in a default being entered against attorney in the disciplinary proceeding. Other rules violated: Rules 1.1, 1.4, 1.5, 8.1(b). **Discipline: Suspension.** Attorney suspended for six months to run consecutively with previously-issued order of two year suspension. Attorney ordered to refund $1,000.00 fee to client and to pay an administrative fee of $750.00 and costs in the amount of $605.15 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn,* 406 P.3d 1220 (Wyo. 2017).

Attorney represented a client in a child custody and visitation modification matter. Client paid a $3,000.00 flat fee which the written fee agreement characterized as nonrefundable. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with client, who ultimately terminated attorney's representation. After client discharged attorney, attorney failed to return the unearned portion of the fee. The Court noted that attorney received a public censure for similar misconduct two years earlier, and determined that the harsher sanction of a 30 suspension was appropriate because the lighter sanction did not deter attorney from repeating the misconduct. Other rules violated: 1.4, 1.5, 1.16. **Discipline: Suspension**. Attorney suspended for 30 days, ordered to refund $1,150.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $3,674.39 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hiatt*, 422 P.3d 940 (Wyo. 2018).

Attorney represented client in a divorce matter. Client paid a $5,000.00 fee at the outset. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with client, who ultimately terminated attorney's representation and retained other counsel. Attorney also charged an unreasonable fee for her work on the case. After the client discharged attorney, attorney failed to return all of the unearned portion of the fee. Other rules violated: 1.4, 1.5, 1.16. **Discipline: Suspension.** Attorney suspended for 30 days, ordered to refund $2,350.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Crawford-Fink*, 430 P.3d 323 (Wyo. 2018).

Attorney represented client in a contract dispute. Client, a landscaping contractor, claimed that it was owed approximately $35,000 for work on a residential construction project. Attorney filed a lawsuit on behalf of the landscaping contractor against the homeowners seeking recovery of that amount. Homeowners filed a counterclaim against the landscaping contractor and a third-party claim against its owner. The lawsuit was eventually settled, with the landscaping contractor and its insurer paying $55,000 to the homeowners. Other rules violated: 1.5, 3.3, 3.4(c), 8.4(d). **Discipline: Suspension.** Attorney suspended for 90 days, ordered to refund $2,350.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Crawford-Fink*, 430 P.3d 323 (Wyo. 2018).

Attorney represented a client in proceedings to establish paternity, custody, visitation and child support regarding the client's young daughter. Due to attorney's lack of diligence, the resolution of the paternity action was delayed by more than three years and attorney's client was unable to have contact with his daughter for more than two years. Other rules violated: 1.4, 3.2. **Discipline: Suspension.** Attorney suspended for 30 days and ordered to reimburse the Wyoming State Bar for costs of $$6,221.54 and administrative fee of $750. *Bd. of Prof. Resp. v. Tolin*, 436 P.3d 453 (Wyo. 2019).

Attorney failed to comply with Wyoming statutes in the filing of a personal injury action, misled his client as to the status of the personal injury action and missed court deadlines in two separate matters. Rules violated: 1.1, 1.3, 1.4, 3.4(c), 8.4(c). **Discipline: Suspension.** Attorney suspended for one year and ordered to pay an administrative fee in the amount of $1,500.00 ($750.00 each for two separate disciplinary complaints) and costs of $100.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Pearce*, 446 P.3d 717 (Wyo. 2019).

Attorney was hired to represent Wife in a divorce proceeding and paid attorney a non-refundable "availability retainer" of $5,000.00. The "availability retainer" was not a flat fee; attorney's representation agreement stated that Wife was responsible for fees incurred after the $5,000.00 was exhausted. Wife's husband filed for divorce and Wife expressed repeated requests that marital assets should be preserved and expressed concerns about the depletion of marital assets by Husband. Despite Wife's repeated directives to exchange initial disclosures and commence discovery, attorney never did so nor did attorney request an accounting from husband. Attorney otherwise failed to respond from numerous inquiries from Wife. Wife ultimately terminated attorney's representation and retained other counsel.

As soon as attorney's representation was terminated, Wife made repeated requests for an invoice reflecting the time spent on the case and requested a refund of funds not utilized, which she never received. During the fourteen months attorney represented Wife, he never sent an invoice, even after expressly requested, and did not communicate that Wife's "availability retainer" had purportedly been exhausted.

Wife submitted a complaint to the Office of Bar Counsel (OBC). Attorney failed to comply with numerous requests for information from OBC, resulting in OBC's filing a petition for attorney's immediate suspension with the Wyoming Supreme Court. Attorney was suspended but reinstated after he began cooperating with OBC. OBC's investigation continued until attorney stipulated that there was clear and convincing evidence of professional misconduct in the case, including attorney's failure to comply with Wife's directives concerning her divorce; failure to proceed diligently; failure to maintain adequate communication with client; billing abuses; failure to expedite litigation; failure to comply with court rules and failure to cooperate with a disciplinary investigation. The parties stipulated that in addition to violation of numerous Rules of Professional Conduct, the following aggravating factors were present: (1) prior disciplinary record; (2) pattern of misconduct; (3) multiple offenses; (4) bad faith obstruction of the disciplinary proceeding by intentionally failing to cooperate with the OBC's investigation; (5) submission of false evidence, false statements, or other deceptive practices during the disciplinary process; (6) refusal to acknowledge wrongful nature of conduct; and (7) substantial experience in the practice of law. There were no mitigating factors present.

Rules violated: 1.2, 1.3, 1.4, 1.5, 3.2, 3.4, 8.1. **Discipline: Suspension.** Attorney stipulated to a three-year suspension from the practice of law. The stipulation was considered and approved by a review panel of the Board of Professional Responsibility and recommended to the Court. In approving the recommendation of the Board of Professional Conduct's recommendation of a three-year suspension as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. Attorney was also required to refund $1500.00 to Wife. *Bd. of Prof. Resp. v. Tolin*, 501 P.3d 1232 (Wyo. 2022).

Attorney represented a client who was sued following a fire at the client's place of business that resulted in damage to an adjoining business. Attorney failed to maintain communication with his client and with the client's insurer and missed several deadlines in the case, including deadlines to file responses to two critical motions. Attorney misled the insurance company regarding case developments and failed to communicate settlement offers to the client and the insurer. Attorney was

eventually terminated and replacement counsel was hired, who shortly got the case settled. Rules violated: 1.2, 1.3, 1.4, 3.3, 4.1, 8.4(c). **Discipline: Suspension.** Attorney agreed to a three-year suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. In consideration of a number of aggravating and mitigating factors, including attorney's sustained and successful efforts at recovery from alcohol use disorder and other psychological problems, the review panel approved the stipulated, three-year suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jerabek*, 519 P.3d 309 (Wyo. 2022).

Attorney failed to diligently pursue a client's divorce case and misled the client and attorney's supervising attorney as to the status of the case, including failing to inform them that the case was dismissed due to inaction by the attorney. Rules violated: 1.3, 1.4, 8.4(c). **Discipline: Suspension.** Attorney agreed to a six-month suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. The review panel approved the stipulated, six-month suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Osten*, 519 P.3d 326 (Wyo. 2022).

Attorney failed to comply with a settlement agreement entered in November 2019 in which the parties agreed to a 12' wide easement. Throughout the case, opposing counsel tried without success to communicate with attorney, who was nonresponsive or did not take action required to comply with the agreement, requiring opposing counsel to perform work attorney had been ordered to do. The result was two motions to enforce the settlement agreement, two motions for order to show cause, and requests for monetary sanctions against attorney's client, all of which were granted. The settlement agreement was finally complied with in April 2023. Opposing counsel and the court were required to expend great resources to enforce an agreement to which neither party objected but was not completed due to attorney's dilatory conduct. Rules violated: 1.3, 3.2, 3.4(c) and 8.4(d). **Discipline: Suspension.** The parties' stipulation for a 90-day suspension of attorney's license to practice law was approved by the BPR and was submitted to the Wyoming Supreme Court. In adopting the BPR's recommendation for a 90-day suspension, the Court ordered attorney to pay an administrative fee of $750.00 and costs in the amount of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hoard,* 565 P.3d 953 (Wyo. 2025).

Attorney failed to timely file a brief with the Wyoming Supreme Court appealing a decision of the district court, resulting in dismissal of the appeal. Upon learning of the looming deadline, attorney requested an extension of time and reinstatement of the appeal in which attorney took responsibility for the failure to timely file the brief. Both requests were denied. In a separate matter, attorney failed to file a petition for post-conviction relief. Rule violated: 1.3. **Discipline: Suspension with Probation.** Attorney admitted that the failure to file the documents violated Rule 1.3 (diligence) and caused injury to his clients. Attorney agreed to reimburse the fees paid and out-of-pocket expenses incurred by the clients. Attorney agreed to a 30-day suspension and probationary terms which included the implementation of formal office policies and procedures and monthly reports to the Office of Bar Counsel regarding attorney's compliance with probationary terms for a period

of six months intended to assure the efficient operation of his office and prompt compliance with court rules and deadlines. In adopting the BPR's recommendation for a 30-day suspension with probationary terms, the Court ordered attorney to pay an administrative fee of $750.00 and costs in the amount of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Neubauer,* 569 P.3d 764 (Wyo. 2025).

Attorney represented a Wyoming resident in a debt collection matter. In the course of the representation, Attorney violated his duty of competence and diligence in addition to failing to communicate with his client. Cobb also made numerous unintentional misrepresentations to his client. Rules violated: 1.1, 1.3, 1.4, 8.4(c). **Discipline: Suspension.** Attorney agreed to a 3-month suspension, which was recommended to the Supreme Court by the Board of Professional Responsibility of the Wyoming State Bar. Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Cobb,* 587 P.3d 113 (Wyo. 2026).

Attorney failed to comply with his duty of diligence and failure to comply with court rules and orders in a litigation matter, resulting in a large judgment being issued against his clients. Rules violated: 1.3, 3.4(c). **Discipline: Suspension.** The Board of Professional Responsibility of the Wyoming State Bar recommended a three-year suspension, which was approved and adopted by the Supreme Court. Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Neubauer*, _____ P.3d ____ Wyo. 2026).

Attorney failed to diligently pursue three legal matters for clients. Other rule violated: Rule 1.4. **Discipline: Public Censure.** Attorney publicly censured, placed on probation and required to pay some of the prosecution costs of the Wyoming State Bar on the matter. *Bd. of Prof. Resp. v. Keenan,* 148 P.3d 1 (Wyo. 2006).

Attorney failed to diligently pursue three legal matters for clients. Other rule violated: Rule 1.4. **Discipline: Public Censure.** Attorney publicly censured, placed on probation and required to pay some of the prosecution costs of the Wyoming State Bar on the matter. *Bd. of Prof. Resp. v. Abraham,* 149 P.3d 456 (Wyo. 2006).

Attorney failed to timely serve a defendant with a summons such that the matter was dismissed. Other rule violated: 1.4. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. McKinney*, Wyoming Supreme Court No. D-04-4 (not reported in P.3d).

Attorney failed to properly pursue a matter for a client, allowed the client to believe that claim letters had been sent and a complaint filed when they had not, told the client on several occasions that a mediation had been set up when it had not, and delayed transferring the file to a new attorney when requested to do so by the client. Other rules violated: Rules 1.4, 8.4(c) and 8.4(d). **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Young*, Wyoming Supreme Court No. D-05-1 (not reported in P.3d).

Attorney failed to promptly file the necessary appellate documents and failed to respond to the Orders from the 10th Circuit Court of Appeals. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the costs of the prosecution of the matter by the Wyoming State Bar. Other rule violated: Rule 3.4. *Bd. of Prof. Resp. v. Fulton*, Wyoming Supreme Court No. D-03-15 (not reported in P.3d).

Attorney undertook to represent a client with respect to a personal injury claim, including the preparation of a government claims act notice and a civil complaint, but failed to prepare and file those documents and failed to do anything to preserve the client's claim. Other rules violated: 1.1, 1.4. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the costs of the Wyoming State Bar for prosecution of the matter. *Bd. of Prof. Resp. v. Dunn*, Wyo. 262 P.3d 1268 (2011).

In the course of representing a criminal defendant, attorney failed to file post-trial motions in a timely manner. That failure led to a finding by the Wyoming Supreme Court that attorney's client had received ineffective assistance of counsel, with the Court ordering a new trial for the attorney's client. Other rules violated: 1.1. **Discipline: Public Censure.** Attorney publicly censured and required to pay the costs of the Wyoming State Bar for prosecuting this matter. *Bd. of Prof. Resp. v. Vreeland*, 272 P.3d 960 (Wyo. 2012).

Attorney accepted a $2,500 retainer to represent a client in a matter. Attorney failed to perform work on the case and failed to return the client's telephone calls. The client terminated attorney's representation and submitted a complaint to Bar Counsel. In response to Bar Counsel's inquiry, attorney returned the $2,500 retainer but failed to respond to Bar Counsel's proposal that attorney agree to a public censure. Even after formal disciplinary charges were brought, attorney continued to send the client a bill for a "balance due" in the amount of $425.00. Other rules violated: 1.1 and 1.4. **Discipline: Public Censure.** Attorney ordered to pay an administrative fee and costs totaling $2,357.89. *Bd. of Prof. Resp. v. Pretty*, 295 P.3d 833 (Wyo. 2013).

Attorney undertook representation of two immigration clients. While attorney was out of the country on an extended absence, filing deadlines were missed and other mistakes were made which resulted in additional delays, inconvenience and expense for his clients. Other Rules violated: 1.1 and 5.3. **Discipline: Public Censure.** Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd.of Prof. Resp. v. Boachie-Yiadom*, 309 P.3d 816 (Wyo. 2013).

Clients in three different matters complained about attorney's lack of diligence. The first was a matter in which attorney undertook to facilitate the return of some funds to his client, but the matter dragged on for several months due to attorney's lack of diligence. The second matter was a landlord-tenant dispute in which attorney obtained a judgment in favor of the landlord but failed to diligently pursue collection of the judgment and failed to respond to his client's inquiries regarding his efforts to collect the judgment. The third matter was one in which attorney undertook to represent a client on two traffic citations and accepted a $750.00 fee. Attorney thereafter failed to appear at a hearing in the matter, which resulted in the forfeiture of the bond that had been posted by the client in both matters. Attorney subsequently failed to follow through on efforts to resolve the matter with the district attorney, and ultimately refunded the $750.00 fee to the client. Other rule

violated: 1.4. **Discipline: Public Censure.** Attorney issued a public censure and ordered to reimburse the Wyoming State Bar for costs in the amount of $50.00 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Powers*, 314 P.3d 766 (Wyo. 2013).

Attorney undertook the representation of a client on a criminal charge of driving under the influence of alcohol. After missing several court dates, attorney attempted to negotiate a plea agreement to have his client plead guilty to the DUI charge based on attorney's belief that blood testing revealed the presence of alcohol in client's system. In fact, the blood test indicated no alcohol. Client retained other counsel and submitted a grievance to the Wyoming State Bar. After the grievance was filed, attorney failed to timely respond to Bar Counsel's inquiries in the matter, and failed to timely respond to a formal charge of professional misconduct brought by Bar Counsel. Other rules violated: 1.1, 1.4. **Discipline: Public Censure.** Attorney publicly censured and required to pay administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Johnson*, 355 P.3d 1234 (Wyo. 2015).

Attorney undertook representation of a client in a divorce matter. The client paid a $10,000.00 retainer which was charged against attorney's hourly fees in the case. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with his client, who ultimately terminated attorney's representation and retained other counsel. After the client submitted a complaint to the Wyoming State Bar, attorney refunded the $10,000.00 retainer. Attorney agreed that he committed multiple violations of Rule 1.3 (diligence) and Rule 1.4 (communication with client). He also agreed that he violated Rule 1.5 (fees) in failing to exercise appropriate billing judgment in the case by writing off unproductive, excessive and redundant hours billed to the client. Other rules violated: 1.4, 1.5. **Discipline: Public Censure.** Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Allred*, 378 P.3d 594 (Wyo. 2016).

Attorney represented a client in a child custody and visitation modification matter. Client paid a $5,000.00 flat fee at the outset. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with client, who ultimately terminated attorney's representation and retained other counsel. After client discharged attorney, attorney failed to return the unearned portion of the fee and failed to cooperate with client and his new counsel in transferring the file. Attorney agreed to return $3,000.00, representing the unearned portion of the fee, to client. Other rules violated: 1.4, 1.16. **Discipline: Public Censure**. Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hiatt*, 382 P.3d 778 (Wyo. 2016).

Attorney neglected to pursue a litigation matter diligently and failed to maintain adequate communication with his client, including not informing his client when the court awarded sanctions in the form of attorneys' fees against the client and ultimately dismissed the case for non-compliance with the court's discovery orders. Attorney violated Rule 1.3 (lack of diligence). Other rules violated: 1.4, 8.4(c). **Discipline: Public Censure.** Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Dart*, 418 P.3d 243 (Wyo. 2018).

In representing the personal representative of an estate, attorney missed numerous deadlines set by the Wyoming probate code. Attorney also charged and accepted fees from personal representative

without prior approval of the court as required by statute, which resulted in an order requiring attorney to refund those fees to the estate. Other rules violated: 1.1, 1.5. **Discipline: Public Censure.** Attorney ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Learned*, 403 P.3d 1062 (Wyo. 2017).

Attorney represented a client in a bankruptcy matter. Client became frustrated with attorney's failure to file a Chapter 7 bankruptcy petition though the client had instructed attorney to proceed with the bankruptcy many months before. When client obtained other counsel, client learned that she had become income-ineligible to file a Chapter 7 bankruptcy two months before she terminated attorney. Client's new counsel proceeded with a Chapter 13 petition instead. As a result, client was required to make $44,000 in payments to creditors that would not have been necessary had attorney filed a timely Chapter 7 petition on the client's behalf. **Discipline: Public Censure**. In approving the stipulation of Hoard and Bar Counsel for a public censure as the appropriate sanction for Hoard's lack of diligence, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hoard*, 466 P.3d 864 (Wyo. 2020).

Attorney missed a deadline to file an objection to the opposing party's submission of itemized damages. After missing the deadline but before an order was entered, Attorney informed her client that she would file an objection the following week but did not do so. An order was entered adopting the requested damages in their entirety bearing statutory interest of 10% per annum. The order further required opposing counsel to file an affidavit of attorney's fees and required Attorney to file a response/objection thereto within five days. Attorney did not file an objection or response. Judgment was entered against Attorney's client in the amount requested in the affidavit of attorney's fees bearing statutory interest of 10% per annum. In total, judgments of $11,971.20 plus interest were entered against Attorney's client, neither of which were objected to by Attorney before the entry of the judgments. In response to the client's concerns about the judgments entered against her, Attorney informed her client that she is judgment proof and that there are no enforceable consequences to her if she does not satisfy the judgments. Attorney also provided her client with a referral to an out-of-state entity providing free legal services so that she could obtain information about filing bankruptcy to discharge the judgment. Rules violated: 1.2, 1.3. **Discipline: Public censure.** In approving the stipulation of Attorney and Deputy Bar Counsel for a public censure as the appropriate sanction for Attorney's misconduct, the Court ordered Attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Owens*, 510 P.3d 1072 (Wyo. 2022).

Attorney represented client in a criminal action and was hired to file for divorce on behalf of the client. Attorney delayed filing a divorce action for several months despite client's repeated requests regarding the status of the case and inquiring as to whether her husband had been served with the divorce papers. Approximately nine months later, the divorce action had not been filed and client informed Attorney that she was terminating Attorney's representation in all actions. Upon termination, Attorney filed a motion to withdraw from the criminal case. The motion to withdraw revealed a significant amount of confidential and harmful information that was neither required nor necessary for the withdrawal. Following commencement of a disciplinary investigation by the Office of Bar Counsel, Attorney admitted that the failure to file the divorce complaint violated Rule 1.3 (diligence). Attorney further admitted that the information stated in the motion

to withdraw was confidential information related to the representation of the client which was harmful or potentially harmful to the client; as such, she violated Rules 1.6 and 1.16(d). Rules violated: 1.3, 1.6, 1.16(d). **Discipline: Public censure.** In approving the stipulation of Attorney and Deputy Bar Counsel for a public censure as the appropriate sanction for Attorney's misconduct, the Court ordered Attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Craven*, 524 P.3d 220 (Wyo. 2023).

Attorney represented clients who were sellers under a seller financed arrangement involving two parcels of real property in Basin, Wyoming. The mortgagors defaulted and attorney was hired by the sellers to assist in recovering the property. In the course of the representation, attorney discovered two judgment liens of record on the parcel to which the buyers held record fee title, but neglected to do a record search that would have revealed the existence of two more judgment liens. Rather than proceed with foreclosure of the mortgage (which would have extinguished the four judgment liens as they were junior to the mortgage), Attorney opted to record the quitclaim deed for both parcels. Although clients recovered title to both parcels, they had to pay more than $13,000 to satisfy the judgment liens against the parcel that had previously been deeded to the buyers. Rules violated: 1.3, 1.4(b). **Discipline: Public censure.** Attorney violated Rule 1.3 by failing to recognize that the recorded deed vested legal fee title in the mortgagors; by failing to determine if there were other judgment liens against the mortgagors upon discovery of the first two liens; and by recording the quitclaim deed without her clients' informed consent and without informing her clients of the effect of such action. Attorney violated Rule 1.4(b) by failing to explain the foreclosure and quitclaim process to the extent reasonably necessary to permit her clients to make an informed decision regarding the representation. Finding that a public censure was the appropriate sanction for attorney's violation of the referenced rules, the Court ordered attorney to complete three hours of continuing legal education on the subjects of deeds, mortgages and real estate transactions and to pay $2,616.15 in costs and an administrative fee of $750.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Abromats*, 568 P.3d 1170 (Wyo. 2025).

Attorney failed to act diligently in representing a client when the attorney missed two hearings on the same case due to calendaring errors. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay some of the costs of the disciplinary proceeding and an administrative fee.

Attorney failed to diligently handle a legal matter for a client and failed to properly communicate with the client. Other rule violated: Rule 1.4. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay administrative fee of $500.

Attorney failed to diligently handle a legal matter for a client and failed to properly communicate with the client. Other rule violated: Rule 1.4. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay an administrative cost of $500.

Attorney undertook to serve as personal representative of a client's estate but failed to discharge duties. The probate of the client's estate was eventually dismissed after two years of inaction on the part of the attorney. The matter was eventually turned over to a different attorney, who satisfactorily completed the probate. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay an administrative fee of $500 and costs of $50.

Attorney undertook to represent a party in a divorce. Though the divorce decree provided that certain retirement benefits would be paid to the attorney's client, the attorney failed to follow through with the appropriate paperwork. When the oversight was discovered several years later, the attorney undertook to rectify the problem, and reimburse the client for additional attorneys' fees incurred by the client as a result of the attorney's oversight. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay an administrative fee of $500 and costs of $50.

Attorney who provided limited scope representation to a client who had been sued in a collection action failed to reach a clear, written understanding with the client regarding the limited scope of the attorney's representation, failed to act with reasonable diligence in communicating with counsel for the collection agency, and failed to adequately inform the client of the consequences of certain action or inaction by the client. Other rules violated: Rules 1.2 and 1.4. **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney who had previously received a public censure for lack of diligence in a different matter failed to correctly calendar the due date for an appeal brief, resulting in the dismissal of the appeal. The appeal was subsequently reinstated. Other rule violated: Rule 1.1. **Discipline: Private Reprimand.** The attorney was ordered to obtain six hours of CLE in law office management, and to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney undertook the representation of a client in a divorce and charged a $1,500 minimum fee. The attorney filed a motion for temporary support and reached an agreement for same with the client's spouse (who was proceeding *pro se*), but failed to follow through and obtain an order of temporary support. After a stipulated decree of divorce was entered, the attorney neglected to send a Notice to Payor to the employer of the client's ex-spouse until the client reminded the attorney to do so. The attorney also neglected to communicate in an accurate and timely way with the client regarding the status of the case. The attorney agreed to refund the client one-half of the $1,500 fee. Other rule violated: Rule 1.4. **Discipline: Private reprimand.** The attorney stipulated to a private reprimand, and was ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney undertook to file a motion for sentence reduction on behalf of criminal client. Under Wyoming law, such motions are required to be filed within one year of the sentencing order. Attorney missed filing deadline by several days, which resulted in the motion being denied as untimely. Thereafter, attorney failed to respond to several letters from client. Other rules violated: 1.1, 1.4. **Discipline: Private Reprimand.** Attorney was ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney filed petition for judicial review on behalf of client in a Worker's Compensation matter. The court set a briefing deadline. The attorney, who was facing significant health issues, failed to calendar the due date for the petitioner's brief. Counsel for the Worker's Compensation Division thereafter filed a motion to dismiss the petition, alleging that the petitioner failed to file its brief within the time set forth in the scheduling order. Though there was still time for the petitioner's attorney to file a brief or move for an extension, he did not respond to the motion to dismiss and

the petition was subsequently dismissed. Attorney contended that the client agreed to drop the petition, but the client denied any such agreement. **Discipline: Private Reprimand.** In approving the stipulated motion for private reprimand (giving due consideration to the attorney's health challenges as a mitigating factor), the Board ordered the attorney to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney represented a defendant in a criminal matter which resulted in a conviction of aggravated assault by threatening to use a drawn weapon. On appeal, the Wyoming Supreme Court reversed the conviction, holding that the attorney's failure to retain an expert witness to offer opinions regarding the distances involved in the underlying altercation constituted ineffective assistance of counsel. Other rule violated: 1.1. **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney undertook to represent a client in a potential personal injury action for injuries the client suffered in a workplace accident. Subsequent investigation of the claim by the attorney revealed that the client suffered from pre-existing health conditions that compromised the viability of the claim. That factor, in connection with the existence of a substantial worker's compensation lien and other considerations, led attorney to the conclusion that the claim had a very low likelihood of success. However, by the time attorney came to that conclusion, the statute of limitations had expired. Attorney notified the client, who then submitted a complaint to the Office of Bar Counsel. Upon receipt of the complaint, attorney admitted that he violated Rule 1.3 (diligence) of the Wyoming Rules of Professional Conduct in failing to calendar the filing deadline and in failing to notify the client of attorney's evaluation of the case in time for the client to attempt to obtain other counsel. In entering a stipulation for a private reprimand, Bar Counsel agreed with attorney's evaluation that the claim had a very low probability of a successful outcome for the client, and that attorney's negligence caused little or no actual or potential injury to the client. **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee of $750 and costs of $50 to the Wyoming State Bar.

Attorney delayed more than four months in submitting a proposed order in a child custody, support and visitation matter in which the Court specifically directed attorney to prepare the order following the hearing. **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee of $750 and costs of $50 to the Wyoming State Bar.

Attorney represented a client in proceedings for modification of visitation and child support. When matter had not resolved after nearly 18 months, client terminated attorney's services and submitted a complaint to the Office of Bar Counsel. **Discipline: Private Reprimand.** Other rules violated: 1.4, 3.2. Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney who undertook to represent a client in a criminal matter failed to appear at several hearings in the case and failed to appear at the scheduled time for the jury trial because his client was running late. When attorney's client failed to appear at the trial, attorney was less than honest in his explanation to the Court. Attorney's client was sanctioned $600.00 for failure to appear, which attorney agreed to pay. In determining that a private reprimand was the appropriate sanction, the Review and Oversight Committee (ROC) gave due consideration to several mitigating factors present in the case, including attorney's expression of remorse, his willingness to pay restitution, his

efforts to address practice management issues in order to avoid similar problems in the future, and the presence of personal and health challenges which the attorney was addressing in a proactive way. **Discipline: Private Reprimand.** Other rules violated: 3.3(a), 3.4(c). Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney delayed, by more than a year, entry of judgment and sentence following the trial court's acceptance of a criminal defendant's change of plea. **Discipline: Private Reprimand.** Other rule violated: 8.4(d). Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney undertook to defend a client in a lawsuit. Attorney failed to timely file an answer, which resulted in a $20,000 default judgment against the client. After exhaustive but ultimately unsuccessful efforts to have the default judgment set aside, attorney paid the judgment from attorney's own funds and also refunded the client's fee. **Discipline: Private Reprimand.** In determining that a private reprimand was the appropriate sanction for attorney's misconduct, the Review and Oversight Committee gave due consideration to several mitigating factors present in the case, including attorney's expression of remorse, his acceptance of responsibility, his payment of restitution, and his cooperative attitude in entering into a stipulated resolution of the matter. Attorney ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney failed to timely file pretrial disclosures, resulting in the exclusion of two witnesses at trial. Attorney also failed to timely respond to discovery requests or respond to several inquiries regarding the requests until after a Motion to Compel was filed and granted. Attorney agreed that such conduct violated Rule 1.3 (diligence) and Rule 3.4 (fairness to opposing party and counsel) and refunded the fee paid by client. **Discipline: Private Reprimand.** In determining that a private reprimand is the appropriate sanction for the attorney's violations, the Review and Oversight Committee gave due consideration to several mitigating factors present in the case, including attorney's serious physical maladies that were ongoing throughout the representation, particularly during the time period in which attorney was unresponsive to opposing counsel and missed deadlines, attorney's good faith efforts to make restitution, full and free disclosure to the Office of Bar Counsel, and the absence of a prior disciplinary record or dishonest or selfish motive. Attorney agreed to the private reprimand. Attorney ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney failed to appear at three hearings in which attorney represented parents in abuse/neglect cases. Attorney also represented the mother in a termination of parental rights but showed up for the trial unprepared as attorney had not realized the trial was scheduled until the afternoon on the day before the trial. The bench trial and one hearing were continued based upon attorney's unpreparedness for the bench trial and failure to attend the hearing. Attorney admitted that the failure to attend hearings and the failure to be prepared for trial violates Rule 1.3 (diligence). Attorney agreed to implement multiple remedial measures to address the issues that led to the complaint. **Discipline: Private Reprimand.** In determining that a private reprimand is the appropriate sanction for the attorney's violations, the Review and Oversight Committee gave due consideration to the numerous remedial measures implemented by attorney and to several mitigating factors present in the case, including attorney's personal, emotional problems and health related problems, attorney's family's physical maladies that contributed to attorney's personal issues, full and free disclosure to the Office of Bar Counsel and cooperative attitude toward proceedings, the absence of a prior

disciplinary record, and the absence of a dishonest or selfish motive. Attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney timely filed a notice of appeal but failed to file any briefs in compliance with the briefing schedule. Attorney was unaware that a briefing schedule was issued until sixteen months after the notice of appeal was filed and nine months after the schedule was issued. By that time, the briefing deadline had long expired; however, the case had not been dismissed. Upon learning that the briefing deadline expired, attorney immediately filed a motion requesting that the briefing deadline be reopened and reset. Attorney carefully reviewed all electronic records, calendars, and physical files to determine whether attorney had ever received any notice or briefing schedule in the matter, concluded that it had not, and submitted affidavits stating the same to the court in support of the request to reset deadlines. Nonetheless, attorney had not reviewed the case status for, at a minimum, ten months and only did so after learning from a third party that the deadline to file briefs in support of the appeal had passed. Attorney admitted that his conduct was a negligent violation of Rule 1.3 (diligence). **Discipline: Private Reprimand.** In determining that a private reprimand is the appropriate sanction for the attorney's violations, the ROC gave due consideration to the remedial measures implemented by Respondent and to several mitigating factors present in the case, including Respondent's: (1) absence of a prior disciplinary record; (2) absence of a dishonest or selfish motive; (3) timely good faith effort to make restitution or to rectify consequences of misconduct; and (4) full and free disclosure to the Office of Bar Counsel and a cooperative attitude toward proceedings. The attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney represented a client in a limited scope engagement to get the client's out-of-state child custody proceeding transferred to Wyoming. The attorney failed to complete the engagement. After the client filed a complaint with the Wyoming State Bar, the attorney refunded the client's fee. The attorney admitted to violating Rule 1.3. **Discipline: Private Reprimand**. The Review and Oversight Committee approved the parties' stipulation for a private reprimand and ordered the attorney to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

**Rule 1.4. Communication**

**(a) A lawyer shall:**

**(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in 1.0(f), is required by these Rules;**

**(2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;**

**(3) keep the client reasonably informed about the status of the matter;**

**(4) promptly comply with reasonable requests for information; and**

**(5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.**

**(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, except that a lawyer appointed to act**

**as a guardian ad litem shall be ultimately responsible for making decisions in the best interests of the individual.**

Attorney failed to respond to multiple inquiries from client who was the personal representative of an estate regarding proceeds from the sale of a house in the estate. Attorney deposited the proceeds from the sale of the house into the attorney's trust account and then diverted those funds to other uses. Other rules violated: Rules 1.5, 1.15 and 8.4. **Discipline: Disbarment**. Attorney disbarred and ordered to reimburse the estate in the amount of $37,067.63, to refund $1,000 to the client and to pay an administrative fee of $500 and $3,112.28 in costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Shifrar*, 286 P.3d 1027 (Wyo. 2012).

Attorney abandoned practice, resulting in numerous client complaints and several claims being paid by the Clients' Security Fund. Other rules violated: 1.1, 1.3, 1.5, 3.4, 8.4. **Discipline: Disbarment**. Attorney stipulated to disbarment and entered into payment plan to reimburse Wyoming State Bar for $16,000 in Clients' Security Fund payments as well as $500 administrative fee and $50 costs. *Bd. of Prof. Resp. v. Powers*, 340 P.3d 997 (Wyo. 2014).

Disciplinary proceedings in Utah against Wyoming-licensed attorney resulted in a determination that attorney was involved in numerous incidents of negligent representation of clients, trust account violations, ignoring a subpoena issued by a Utah agency, five DUI arrests in a 10-month period and a plea of guilty to a bad check charge relating to his trust account. As a result, attorney received a lengthy suspension in Utah. Following a reciprocal discipline hearing before the Wyoming Board of Professional Responsibility (BPR) to determine the appropriate sanction for attorney's misconduct, the BPR recommended that attorney be disbarred in Wyoming, Other rules violated: 1.1, 1.3, 1.5, 1.15, 1.16, 8.1, 8.4. **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,912.56 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Johnson*, 428 P.3d 457 (Wyo. 2018).

Attorney lied to clients about the status of their cases, fabricated court documents and mishandled trust account funds belonging to the client as well as failing to respond to inquiries by the Wyoming State Bar's Office of Bar Counsel regarding her conduct. Rules violated: 1.3, 1.4, 3.2, 8.1, 8.4(b), (c) and (d). **Discipline: Disbarment.** In approving the stipulation of attorney and Bar Counsel for disbarment as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $1,500.00 and costs of $100.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Mathey*, 480 P.3d 1184 (Wyo. 2021).

Attorney neglected two client matters, failed to communicate with the clients and committed acts of dishonesty with respect to both matters. Attorney did not dispute the allegations of a formal charge filed by Bar Counsel and failed to appear at a hearing to determine the appropriate sanction for his misconduct held before a hearing panel of the Board of Professional Responsibility. The Wyoming Supreme Court accepted and adopted the hearing panel's findings and its recommendation that attorney be disbarred. Hopkins was ordered to pay costs and administrative fees in the amount of $1,859.50 to the Wyoming State Bar. Rules violated: 1.3, 1.4 and 8.4(c). **Discipline: Disbarment.** Attorney was ordered to pay costs and administrative fees in the amount of $1,859.50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hopkins*, 527 P.3d 1219 (Wyo. 2023).

Attorney filed a lawsuit in federal court. After filing the lawsuit, Attorney had no further contact with his clients despite repeated calls and emails to him and took no further action in the case although he did not withdraw as the attorney of record. Shortly after the lawsuit was filed, the United States Supreme Court issued an opinion directly addressing the subject matter of the lawsuit. Opposing counsel wrote a letter to Attorney demanding that he voluntarily dismiss the lawsuit. Attorney did not respond to the letter and did not dismiss the lawsuit. Opposing counsel filed a motion to dismiss and a motion for sanctions. Attorney did not respond to either motion, virtually guaranteeing that the lawsuit would be dismissed, and did not communicate with his clients regarding the motions. After granting the motion to dismiss, the federal court issued an Order to Show Cause to Beduhn, to which he did not respond. The federal court ordered Beduhn to personally pay the opposing parties' attorneys' fees.

Two complaints were filed with the Office of Bar Counsel regarding Attorney's conduct. Attorney did not respond to either complaint despite repeated requests. Attorney did not respond to the formal disciplinary charge that followed. Rules violated: 1.1 (competence), 1.3 (diligence), 1.4 (communication), 3.1 (meritorious claims and contentions), 3.3 (candor toward the tribunal), 3.4 (fairness to opposing counsel), 8.1 (bar admission and disciplinary matters), and 8.4(d) (conduct prejudicial to the administration of justice). **Discipline: Disbarment.** Attorney was ordered to pay $1,435.14 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn*, 552 P.3d 371 (Wyo. 2024).

Attorney failed to safeguard a client's stock certificate and also failed to obtain a replacement stock certificate for three years. The attorney also failed to properly communicate with the client regarding this matter. In another matter, the attorney, while acting as co-personal representative for the Estate of a client whose will the attorney had drafted, took a personal loan from the Estate for over $44,000 as well as purchased a computer with assets of the Estate without permission of the other co-personal representative. The attorney eventually repaid the Estate, with interest, approximately two years later, after the attorney had been removed as the co-personal representative. Other rules violated: Rules 1.3, 1.15. **Discipline: Suspension.** Attorney suspended for five years**.** *Bd. of Prof. Resp. v. Gish*, Wyoming Supreme Court No. D-03-12 (not reported in P.3d).

Attorney failed to respond to clients' requests for information regarding the purchase of a certificate of deposit. Other rules violated: Rules 1.1, 1.2, 1.5, 1.15, 3.1, 4.2, 8.4. **Discipline: Suspension.** Attorney suspended for three years. *Bd. of Prof. Resp. v. Fulton*, 133 P.3d 514 (Wyo. 2006).

Attorney failed to provide competent legal services in a timely fashion and to properly communicate with clients in two cases. Other rules violated: Rules 1.1, 1.3. **Discipline: Suspension**. Attorney suspended for one year. *Bd. of Prof. Resp. v. McLaughlin*, 136 P.3d 158 (Wyo. 2006).

Attorney did not follow the instructions of the clients, did not properly communicate with the clients, abandoned the clients, and did not complete work for the clients even though fees were collected for that work. Other rules violated: Rules 1.1, 1.2, 1.3, 1.*5.* **Discipline: Suspension.** Attorney suspended for one year. *Bd. of Prof. Resp. v. Hansen*, Wyoming Supreme Court No. D-04-2. (not reported in P.3d.).

Attorney participated for a number of years in a diversion program aimed at rehabilitation, dating back to 2006, but was twice convicted of driving under the influence of alcohol during 2010. Concerns were also brought by a county court system and by clients that the attorney was not adequately representing clients in court proceedings. Other rules violated: Rules 1.1, 1.3, 1.5, 8.4. **Discipline: Suspension.** Attorney suspended for one year and ordered to pay costs of $550. *Bd. of Prof. Resp. v. Anderson*, 261 P.3d 695 (Wyo. 2011).

Attorney failed to appear at an Order to Show Cause hearing in regard to an allegation the attorney had failed to provide discovery that had been due. Attorney had a family emergency but did not contact the Court or opposing counsel prior to that hearing. Attorney also missed a scheduling conference in a civil matter for the same reason. Attorney failed to move the litigation forward, diligently pursue the matter, and properly communicate with the client. Other rules violated: Rules 1.3 3.2, 3.4. **Discipline: Suspension**. Attorney suspended for two months. Attorney required to pay $250 prosecution costs of the Wyoming State Bar and administrative fees for the four cases of $2000. *Bd. of Prof. Resp. v. Cannon,* 189 P.3d 857 (Wyo. 2008).

Attorney filed a complaint on client's behalf but failed to pursue the matter with reasonable diligence. Attorney misled client as to progress on the case, including preparing a surreptitious answer and providing a copy to the client, representing that another law firm was defending the case when in fact that defendant had not been served with the complaint. Other rules violated: Rules 1.1, 1.3, 3.2 and 8.4(c). **Discipline: Suspension**. Attorney suspended for five years and ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Benham*, 283 P.3d 452 (Wyo. 2012).

Attorney representing a client in a divorce action neglected to obtain in the divorce decree a share of the retirement account that had accumulated during the client's marriage, resulting in $35,000 not being received by attorney's client. Attorney initially agreed to reimburse the client. When attorney failed to do so, the client submitted a complaint to Bar Counsel. After the disciplinary complaint was filed, attorney paid client the $35,000. As the disciplinary case proceeded, attorney began to exhibit substance abuse problems. Attorney, who had a history of substance abuse and prior public discipline, was charged with driving under the influence. While that charge was pending, attorney missed court appearances and appeared in court in an impaired condition, resulting in attorney's arrest. Other rules violated: 1.1, 1.3 and 8.4(b). **Discipline: Suspension.** Attorney suspended for one year and ordered to pay an administrative fee of $500 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jenkins*, 307 P.3d 826 (Wyo. 2013).

Attorney agreed to represent an out-of-state personal representative in the probate of the estate and agreed to serve as co-personal representative. Attorney failed to perform his duties in a timely, competent manner. Following a hearing, the Board of Professional Responsibility found that attorney violated several Rules of Professional Conduct in his handling of a probate matter. Other rules violated: 1.1, 1.3, 1.15, 3.1(c), 3.3. **Discipline: Suspension**. Attorney suspended for 90 days and ordered to reimburse the Wyoming State Bar for costs in the amount of $5,831.92 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Bagley*, 327 P.3d 721 (Wyo. 2013).

Attorney, who had recently received a public censure for his neglect in three different matters, stipulated to a suspension for similar misconduct in four new matters. Other rules violated: 1.1,

1.3, 3.4. **Discipline: Suspension**. Attorney suspended for nine months and ordered to reimburse the Wyoming State Bar for costs $50.00 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Powers,* 322 P.3d 1287 (Wyo. 2014).

Attorney failed in professional obligations to two insurance company clients. As to one client, attorney failed to remit settlement funds to the insurance company and failed to respond to numerous demands for payment. As to the other client, attorney mishandled the insurance company's representation in ten different matters. The insurance company sued attorney and obtained a substantial default judgment against attorney. Other rules violated: 1.1, 1.2, 1.3, 1.5, 1.15, 1.16, 3.2, 3.4, 8.1 and 8.4. **Discipline: Suspension.** Attorney suspended for five years and ordered to reimburse the Wyoming State Bar for costs of $50 and administrative fee of $500. Before attorney can apply for reinstatement, he must take and pass the bar exam and show evidence of having made restitution to his insurance company client. *Bd. of Prof. Resp. v. Shreve*, 341 P.3d 370 (Wyo. 2014).

Attorney, a county attorney, received a private reprimand which included an order to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. Attorney submitted said items for payment by the county. A member of the public, believing the payment to be improper, submitted a complaint to Bar Counsel, who inquired of attorney as to the propriety of such payment. Attorney disclosed the new disciplinary complaint to the county commissioners but misrepresented the nature of the new complaint, requesting that the county pay for legal counsel to represent attorney in the new disciplinary inquiry. The county commissioners requested an outside opinion regarding the propriety of the payment, but attorney initially refused to grant authority for the retention of outside counsel. Other rules violated: 1.7, 1.8 and 8.4(c). **Discipline: Suspension.** Attorney stipulated to a 30 day suspension and agreed to reimburse the count of the administrative fee and costs associated with the earlier private reprimand. *Bd. of Prof. Resp. v. Argeris,* 341 P.3d 1030 (Wyo. 2014).

Attorney committed professional misconduct in a number of client matters, including violation of attorney's duties of competence, diligence, and maintaining communication with clients. Attorney's neglect in several cases, including his failure to appear at scheduled hearings, led to the assessment of monetary and other sanctions against clients, some of which were paid by attorney personally. In two cases, attorney's clients' cases were dismissed because of Attorney's neglect. In one case, a client paid attorney $500.00 for the cost of a hearing transcript in connection with an appeal but attorney never obtained the transcript. This conduct constituted a violation of attorney's duty to safeguard client property. Other rules violated: Rules 1.1, 1.3, 1.15, 1.16. **Discipline: Suspension.** Attorney suspended for two years. Attorney was ordered to pay $1,075.85 to a former client and to pay $3,750.00 in administrative fees and $5,475.18 in costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn,* 402 P.3d 950 (Wyo. 2017).

Attorney committed professional misconduct in a client matter in which attorney violated a lawyer's duties of competence, diligence, and maintaining communication with client, and also collected a fee for services he failed to provide. Attorney also failed to cooperate with Bar Counsel's investigation of client's complaint including failure to respond to the formal disciplinary charge, which resulted in a default being entered against attorney in the disciplinary proceeding. Other rules violated: Rules 1.1, 1.3, 1.5, 8.1(b). **Discipline: Suspension.** Attorney suspended for six months to run consecutively with previously-issued order of two year suspension. Attorney ordered to refund

$1,000.00 fee to client and to pay an administrative fee of $750.00 and costs in the amount of $605.15 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn,* 406 P.3d 1220 (Wyo. 2017).

Attorney represented a client in a child custody and visitation modification matter. Client paid a $3,000.00 flat fee which the written fee agreement characterized as nonrefundable. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with client, who ultimately terminated attorney's representation. After client discharged attorney, attorney failed to return the unearned portion of the fee. The Court noted that attorney received a public censure for similar misconduct two years earlier, and determined that the harsher sanction of a 30 suspension was appropriate because the lighter sanction did not deter attorney from repeating the misconduct. Other rules violated: 1.3, 1.5, 1.16. **Discipline: Suspension**. Attorney suspended for 30 days, ordered to refund $1,150.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $3,674.39 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hiatt*, 422 P.3d 940 (Wyo. 2018).

Attorney represented client in a divorce matter. Client paid a $5,000.00 fee at the outset. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with client, who ultimately terminated attorney's representation and retained other counsel. Attorney also charged an unreasonable fee for her work on the case. After the client discharged attorney, attorney failed to return all of the unearned portion of the fee. Other rules violated: 1.3, 1.5, 1.16. **Discipline: Suspension.** Attorney suspended for 30 days, ordered to refund $2,350.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Crawford-Fink*, 430 P.3d 323 (Wyo. 2018).

Attorney represented a client in proceedings to establish paternity, custody, visitation and child support regarding the client's young daughter. Due to attorney's lack of diligence, the resolution of the paternity action was delayed by more than three years and attorney's client was unable to have contact with his daughter for more than two years. Other rules violated: 1.3, 3.2. **Discipline: Suspension.** Attorney suspended for 30 days and ordered to reimburse the Wyoming State Bar for costs of $$6,221.54 and administrative fee of $750. *Bd. of Prof. Resp. v. Tolin*, 436 P.3d 453 (Wyo. 2019).

Attorney failed to comply with Wyoming statutes in the filing of a personal injury action, misled his client as to the status of the personal injury action and missed court deadlines in two separate matters. Rules violated: 1.1, 1.3, 1.4, 3.4(c), 8.4(c). **Discipline: Suspension.** Attorney suspended for one year and ordered to pay an administrative fee in the amount of $1,500.00 ($750.00 each for two separate disciplinary complaints) and costs of $100.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Pearce*, 446 P.3d 717 (Wyo. 2019).

Attorney was hired to represent Wife in a divorce proceeding and paid attorney a non-refundable "availability retainer" of $5,000.00. The "availability retainer" was not a flat fee; attorney's representation agreement stated that Wife was responsible for fees incurred after the $5,000.00 was exhausted. Wife's husband filed for divorce and Wife expressed repeated requests that marital assets should be preserved and expressed concerns about the depletion of marital assets by Husband. Despite Wife's repeated directives to exchange initial disclosures and commence discovery, attorney never did so nor did attorney request an accounting from husband. Attorney otherwise

failed to respond from numerous inquiries from Wife. Wife ultimately terminated attorney's representation and retained other counsel.

As soon as attorney's representation was terminated, Wife made repeated requests for an invoice reflecting the time spent on the case and requested a refund of funds not utilized, which she never received. During the fourteen months attorney represented Wife, he never sent an invoice, even after expressly requested, and did not communicate that Wife's "availability retainer" had purportedly been exhausted.

Wife submitted a complaint to the Office of Bar Counsel (OBC). Attorney failed to comply with numerous requests for information from OBC, resulting in OBC's filing a petition for attorney's immediate suspension with the Wyoming Supreme Court. Attorney was suspended but reinstated after he began cooperating with OBC. OBC's investigation continued until attorney stipulated that there was clear and convincing evidence of professional misconduct in the case, including attorney's failure to comply with Wife's directives concerning her divorce; failure to proceed diligently; failure to maintain adequate communication with client; billing abuses; failure to expedite litigation; failure to comply with court rules and failure to cooperate with a disciplinary investigation. The parties stipulated that in addition to violation of numerous Rules of Professional Conduct, the following aggravating factors were present: (1) prior disciplinary record; (2) pattern of misconduct; (3) multiple offenses; (4) bad faith obstruction of the disciplinary proceeding by intentionally failing to cooperate with the OBC's investigation; (5) submission of false evidence, false statements, or other deceptive practices during the disciplinary process; (6) refusal to acknowledge wrongful nature of conduct; and (7) substantial experience in the practice of law. There were no mitigating factors present.

Rules violated: 1.2, 1.3, 1.4, 1.5, 3.2, 3.4, 8.1. **Discipline: Suspension.** Attorney stipulated to a three-year suspension from the practice of law. The stipulation was considered and approved by a review panel of the Board of Professional Responsibility and recommended to the Court. In approving the recommendation of the Board of Professional Conduct's recommendation of a three-year suspension as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. Attorney was also required to refund $1500.00 to Wife. *Bd. of Prof. Resp. v. Tolin*, 501 P.3d 1232 (Wyo. 2022).

Attorney represented a client who was sued following a fire at the client's place of business that resulted in damage to an adjoining business. Attorney failed to maintain communication with his client and with the client's insurer and missed several deadlines in the case, including deadlines to file responses to two critical motions. Attorney misled the insurance company regarding case developments and failed to communicate settlement offers to the client and the insurer. Attorney was eventually terminated and replacement counsel was hired, who shortly got the case settled. Rules violated: 1.2, 1.3, 1.4, 3.3, 4.1, 8.4(c). **Discipline: Suspension.** Attorney agreed to a three-year suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. In consideration of a number of aggravating and mitigating factors, including attorney's sustained and successful efforts at recovery from alcohol use disorder and other psychological problems, the review panel approved the stipulated, three-year suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the

review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jerabek*, 519 P.3d 309 (Wyo. 2022).

Attorney failed to diligently pursue a client's divorce case and misled the client and attorney's supervising attorney as to the status of the case, including failing to inform them that the case was dismissed due to inaction by the attorney. Rules violated: 1.3, 1.4, 8.4(c). **Discipline: Suspension.** Attorney agreed to a six-month suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. The review panel approved the stipulated, six-month suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Osten*, 519 P.3d 326 (Wyo. 2022).

Attorney represented a Wyoming resident in a debt collection matter. In the course of the representation, Attorney violated his duty of competence and diligence in addition to failing to communicate with his client. Attorney also made numerous unintentional misrepresentations to his client. Rules violated: 1.1, 1.3, 1.4, 8.4(c). **Discipline: Suspension.** Attorney agreed to a 3-month suspension, which was recommended to the Supreme Court by the Board of Professional Responsibility of the Wyoming State Bar. Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Cobb*, 587 P.3d 113 (Wyo. 2026).

Attorney failed to keep the client reasonably informed about the status of a matter where the attorney failed to provide a proper record to the Wyoming Supreme Court when the attorney appealed a case for the client, which resulted in the losing of the appeal and having costs and fees awarded in favor of the opposing party. Other rule violated: Rule 1.1**. Discipline: Public Censure.** Attorney publicly censured and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. Attorney also required to attend ten additional CLE hours. *Bd. of Prof. Resp. v. Chance*, Wyoming Supreme Court No. D-04-5 (not reported in P.3d).

Attorney failed to properly pursue a matter for the client, allowed the client to believe that claim letters had been sent and a complaint filed when they had not, told the client on several occasions that a mediation had been set up when it had not, and delayed transferring the file to a new attorney when requested to do so by the client. Other rules violated: Rules 1.3, 8.4(c) and 8.4(d). **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Young*, Wyoming Supreme Court No. D-05-1 (not reported in P.3d).

Attorney failed to diligently pursue three legal matters for clients and to adequately communicate with those clients. Other rule violated: Rule 1.3. **Discipline: Public Censure.** Attorney publicly censured, placed on probation and required to pay some of the prosecution costs of the Wyoming State Bar on the matter. *Bd. of Prof. Resp. v. Abraham,* 149 P.3d 456 (Wyo. 2006).

Attorney failed to diligently pursue three legal matters for clients and to adequately communicate with those clients. Other rule violated: Rule 1.3. **Discipline: Public Censure.** Attorney publicly

censured, placed on probation and required to pay some of the prosecution costs of the Wyoming State Bar on the matter. *Bd. of Prof. Resp. v. Keenan,* 148 P.3d 1 (Wyo. 2006).

Attorney failed to keep the client reasonably informed about the status of a matter. Attorney also violated Rule 1.3 by failing to timely serve a defendant with a summons such that the matter was dismissed. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. McKinney*, Wyoming Supreme Court No. D-04-4 (not reported in P.3d).

Attorney undertook to represent a client with respect to a personal injury claim, including the preparation of a government claims act notice and a civil complaint, but failed to prepare and file those documents and failed to do anything to preserve the client's claim. Other rules violated: 1.1, 1.3. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the costs of the Wyoming State Bar for prosecution of the matter. *Bd. of Prof. Resp. v. Dunn*, 262 P.3d 1268 (2011).

Attorney accepted a $2,500 retainer to represent a client in a matter. Attorney failed to perform work on the case and failed to return the client's telephone calls. The client terminated attorney's representation and submitted a complaint to Bar Counsel. In response to Bar Counsel's inquiry, attorney returned the $2,500 retainer but failed to respond to Bar Counsel's proposal that attorney agree to a public censure. Even after formal disciplinary charges were brought, attorney continued to send the client a bill for a "balance due" in the amount of $425.00. Other rules violated: 1.1 and 1.3. **Discipline: Public Censure.** Attorney ordered to pay an administrative fee and costs totaling $2,357.89. *Bd. of Prof. Resp. v. Pretty*, 295 P.3d 833 (Wyo. 2013).

Clients in three different matters complained about attorney's lack of diligence. The first was a matter in which attorney undertook to facilitate the return of some funds to his client, but the matter dragged on for several months due to attorney's lack of diligence. The second matter was a landlord-tenant dispute in which attorney obtained a judgment in favor of the landlord but failed to diligently pursue collection of the judgment and failed to respond to his client's inquiries regarding his efforts to collect the judgment. The third matter was one in which attorney undertook to represent a client on two traffic citations and accepted a $750.00 fee. Attorney thereafter failed to appear at a hearing in the matter, which resulted in the forfeiture of the bond that had been posted by the client in both matters. Attorney subsequently failed to follow through on efforts to resolve the matter with the district attorney, and ultimately refunded the $750.00 fee to the client. Other rule violated: 1.3. **Discipline: Public Censure.** Attorney issued a public censure and ordered to reimburse the Wyoming State Bar for costs in the amount of $50.00 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Powers*, 314 P.3d 766 (Wyo. 2013).

Clients engaged attorney to represent them in a boundary dispute with a neighbor. Attorney failed to fully inform his clients about attorney's longstanding relationship with the neighbor/adverse party, failed to fully advise the clients about the material limitations his relationship with the neighbor might impose on attorney's ability to represent the clients, and failed to obtain the clients' fully informed to consent in a writing to those conflicts of interest. Then during work on the matter, attorney undertook work to advance interests of the neighbor/adverse party without the informed consent of the clients. Other rule violated: 1.7. **Discipline: Public Censure.** Attorney publicly

censured and required to pay administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jones*, 358 P.3d 498 (Wyo. 2015).

Attorney undertook the representation of a client on a criminal charge of driving under the influence of alcohol. After missing several court dates, attorney attempted to negotiate a plea agreement to have his client plead guilty to the DUI charge based on attorney's belief that blood testing revealed the presence of alcohol in client's system. In fact, the blood test indicated no alcohol. Client retained other counsel and submitted a grievance to the Wyoming State Bar. After the grievance was filed, attorney failed to timely respond to Bar Counsel's inquiries in the matter, and failed to timely respond to a formal charge of professional misconduct brought by Bar Counsel. Other rules violated: 1.1, 1.3. **Discipline: Public Censure.** Attorney publicly censured and required to pay administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Johnson*, 355 P.3d 1234 (Wyo. 2015).

Attorney represented client with respect to employment-related issues, including a claim for Unemployment Insurance Compensation (UIC) and a discrimination (retaliatory discharge) claim. Attorney required a $4,000 payment from client before filing the discrimination lawsuit, which was deposited into attorney's trust account. Attorney and client had different understandings as to fee arrangements in the two matters. Attorney contended that the legal services he provided in the UIC matter were on an hourly basis, while the discrimination lawsuit was on a contingent fee basis. Client contended that all work performed by attorney after the initial two consultations, for which the client paid attorney's hourly rate, was done on a contingent fee basis. After the two matters were concluded unsuccessfully for the client, attorney threatened to sue the client for more than $70,000 in fees and costs incurred in the UIC matter. Client filed a complaint with Bar Counsel.

Following investigation, Bar Counsel filed a formal disciplinary charge contending that attorney violated numerous Rules of Professional Conduct in his representation of the client. Following a hearing, the Board of Professional Responsibility (BPR) found that attorney violated Rule 1.4 (communication with client) in failing to clearly communicate the fee arrangement to the client. Other rules violated: Rules 1.5, 1.15. **Discipline: Public Censure.** Attorney publicly censured and required to pay administrative fee of $750 and costs of $7,026.42 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Asay*, 374 P.3d 295 (Wyo. 2016).

Attorney undertook representation of a client in a divorce matter. The client paid a $10,000.00 retainer which was charged against attorney's hourly fees in the case. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with his client, who ultimately terminated attorney's representation and retained other counsel. After the client submitted a complaint to the Wyoming State Bar, attorney refunded the $10,000.00 retainer. Attorney agreed that he committed multiple violations of Rule 1.3 (diligence) and Rule 1.4 (communication with client). He also agreed that he violated Rule 1.5 (fees) in failing to exercise appropriate billing judgment in the case by writing off unproductive, excessive and redundant hours billed to the client. Other rules violated: 1.3, 1.5. **Discipline: Public Censure.** Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Allred*, 378 P.3d 594 (Wyo. 2016).

Attorney represented a client in a child custody and visitation modification matter. Client paid a $5,000.00 flat fee at the outset. Attorney neglected to pursue the matter diligently and failed to

maintain adequate communication with client, who ultimately terminated attorney's representation and retained other counsel. After client discharged attorney, attorney failed to return the unearned portion of the fee and failed to cooperate with client and his new counsel in transferring the file. Attorney agreed to return $3,000.00, representing the unearned portion of the fee, to client. Other rules violated: 1.3, 1.16. **Discipline: Public Censure**. Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hiatt*, 382 P.3d 778 (Wyo. 2016).

Attorney neglected to pursue a litigation matter diligently and failed to maintain adequate communication with his client, including not informing his client when the court awarded sanctions in the form of attorneys' fees against the client and ultimately dismissed the case for non-compliance with the court's discovery orders. Attorney violated Rule 1.4 (communication with client). Other rules violated: 1.3, 8.4(c). **Discipline: Public Censure.** Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Dart*, 418 P.3d 243 (Wyo. 2018).

Attorney represented clients who were sellers under a seller financed arrangement involving two parcels of real property in Basin, Wyoming. The mortgagors defaulted and attorney was hired by the sellers to assist in recovering the property. In the course of the representation, attorney discovered two judgment liens of record on the parcel to which the buyers held record fee title, but neglected to do a record search that would have revealed the existence of two more judgment liens. Rather than proceed with foreclosure of the mortgage (which would have extinguished the four judgment liens as they were junior to the mortgage), Attorney opted to record the quitclaim deed for both parcels. Although clients recovered title to both parcels, they had to pay more than $13,000 to satisfy the judgment liens against the parcel that had previously been deeded to the buyers. Rules violated: 1.3, 1.4(b). **Discipline: Public censure.** Attorney violated Rule 1.3 by failing to recognize that the recorded deed vested legal fee title in the mortgagors; by failing to determine if there were other judgment liens against the mortgagors upon discovery of the first two liens; and by recording the quitclaim deed without her clients' informed consent and without informing her clients of the effect of such action. Attorney violated Rule 1.4(b) by failing to explain the foreclosure and quitclaim process to the extent reasonably necessary to permit her clients to make an informed decision regarding the representation. Finding that a public censure was the appropriate sanction for attorney's violation of the referenced rules, the Court ordered attorney to complete three hours of continuing legal education on the subjects of deeds, mortgages and real estate transactions and to pay $2,616.15 in costs and an administrative fee of $750.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Abromats*, 568 P.3d 1170 (Wyo. 2025).

Attorney failed to properly communicate with a client regarding several legal matters.
**Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay the costs of the disciplinary proceeding.

Attorney failed to diligently handle a legal matter for a client and failed to properly communicate with the client. Other rule violated: Rule 1.3. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay an administrative cost of $500.

Attorney failed to diligently handle a legal matter for a client and failed to properly communicate with the client. Other rule violated Rule 1.3. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay administrative fee of $500.

Attorney who provided limited scope representation to a client who had been sued in a collection action failed to reach a clear, written understanding with the client regarding the limited scope of the attorney's representation, failed to act with reasonable diligence in communicating with counsel for the collection agency, and failed to adequately inform the client of the consequences of certain action or inaction by the client. Other rules violated: Rules 1.2 and 1.3. **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney undertook the representation of a client in a divorce and charged a $1,500 minimum fee. The attorney filed a motion for temporary support and reached an agreement for same with the client's spouse (who was proceeding *pro se*), but failed to follow through and obtain an order of temporary support. After a stipulated decree of divorce was entered, the attorney neglected to send a Notice to Payor to the employer of the client's ex-spouse until the client reminded the attorney to do so. The attorney also neglected to communicate in an accurate and timely way with the client regarding the status of the case. The attorney agreed to refund the client one-half of the $1,500 fee. Other rule violated: Rule 1.3. **Discipline: Private reprimand.** The attorney stipulated to a private reprimand, and agreed was ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney entered into a contingent fee agreement to represent a client in a personal injury matter. Thereafter, attorney failed to respond to numerous calls from the client, resulting in a complaint being filed with Bar Counsel. Initially, attorney denied that he had an attorney-client relationship and had misplaced the file. The file was then found and returned to the client, who hired a different attorney. Rule violated: 1.4. **Discipline: Private Reprimand.** Attorney agreed to take the following remedial measures to improve his practice and avoid similar problems in the future: (1) attorney and his staff agreed to complete a checklist provided by Bar Counsel to identify deficiencies with respect to client relations, confidentiality, conflicts of interest, docketing and calendaring, records management, staff management, financial management, professional practice, and technology; (2) to implement changes as necessary to correct those deficiencies; (3) to meet with another attorney at 30 day intervals for two months to monitor progress on correction of deficiencies, with reports of those meetings to be submitted to Bar Counsel; (4) to attend 12 hours of ethics CLE; and (5) to obtain office management training for his assistant. The attorney stipulated to a private reprimand, and agreed to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney undertook to file a motion for sentence reduction on behalf of criminal client. Under Wyoming law, such motions are required to be filed within one year of the sentencing order. Attorney missed filing deadline by several days, which resulted in the motion being denied as untimely. Thereafter, attorney failed to respond to several letters from client. Other rules violated: 1.1, 1.3. **Discipline: Private Reprimand.** Attorney was ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney represented a client in proceedings for modification of visitation and child support. When matter had not resolved after nearly 18 months, client terminated attorney's services and submitted a complaint to the Office of Bar Counsel. **Discipline: Private Reprimand.** Other rules violated: 1.3, 3.2. Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney failed to adequately communicate his hourly rate to client within a reasonable time after commencing representation and failed to provide an invoice to client until the conclusion of the case per the attorney's office policy. Attorney delayed nearly two months before providing the client's new attorney with all client files but did immediately provide the file for the only active case. Rules violated: 1.4, 1.5, 1.15A(b). **Discipline: Private Reprimand.** In determining that a private reprimand was the appropriate sanction, the ROC considered several mitigating factors, including attorney's adoption of several remedial measures to ensure that a similar situation did not occur in the future, including implementing an office policy that invoices are sent to clients on a monthly basis on hourly fee cases and transferring earned funds from the trust account to operating account on a monthly basis. Attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

**Rule 1.5. Fees**

**(a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:**

**(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;**

**(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;**

**(3) the fee customarily charged in the locality for similar legal services;**

**(4) the amount involved and the results obtained;**

**(5) the time limitations imposed by the client or by the circumstances;**

**(6) the nature and length of the professional relationship with the client;**

**(7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and**

**(8) whether the fee is fixed or contingent.**

**(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Contingent fee agreements must be in writing and must comply with the provisions of the Rules Governing Contingent Fees for Members of the Wyoming State Bar. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.**

**(c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. A contingent fee agreement shall be in a writing signed by the client and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal; litigation and other expenses to**

**be deducted from the recovery; and whether such expenses are to be deducted before or after the contingent fee is calculated. The agreement must clearly notify the client of any expenses for which the client will be liable whether or not the client is the prevailing party. Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.**

**(d) A lawyer shall not enter into an arrangement for, charge, or collect:**

**(1) any fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a divorce or upon the amount of alimony or support, or property settlement in lieu thereof; or**

**(2) a contingent fee for representing a defendant in a criminal case.**

**(e) A division of a fee between lawyers who are not in the same firm may be made only if:**

**(1) the division is in proportion to the services performed by each lawyer and, each lawyer assumes joint responsibility for the representation;**

**(2) the client is informed of the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and**

**(3) the total fee is reasonable.**

**(f) A lawyer shall not pay or receive a fee or commission solely for referring a case to another lawyer.**

Attorney failed to respond to multiple inquiries from client who was the personal representative of an estate regarding proceeds from the sale of a house in the estate. Attorney deposited the proceeds from the sale of the house into the attorney's trust account and then diverted those funds to other uses. Other rules violated: Rules 1.4, 1.15 and 8.4. **Discipline: Disbarment**. Attorney disbarred and ordered to reimburse the estate in the amount of $37,067.63, to refund $1,000 to the client and to pay an administrative fee of $500 and $3,112.28 in costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Shifrar*, 286 P.3d 1027 (Wyo. 2012).

Attorney improperly charged more than $10,000 in personal expenses for airfare, lodging, rental cars, meals and other travel-related expenses to his law firm, a portion of which he billed to clients. Other rules violated: 4.1 and 8.4(c). **Discipline: Disbarment.** Attorney disbarred and ordered to reimburse his former firm in the amount of $10,077.33, and to pay $550.00 in costs and an administrative fee to the Wyoming State Bar. *Bd. of Prof. Resp. v. Schneebeck,* 302 P.3d 558 (Wyo. 2013).

Attorney abandoned practice, resulting in numerous client complaints and several claims being paid by the Clients' Security Fund. Other rules violated: 1.1, 1.3, 1.4, 3.4, 8.4. **Discipline: Disbarment**. Attorney stipulated to disbarment and entered into payment plan to reimburse Wyoming State Bar for $16,000 in Clients' Security Fund payments as well as $500 administrative fee and $50 costs. *Bd. of Prof. Resp. v. Powers*, 340 P.3d 997 (Wyo. 2014).

Disciplinary proceedings in Utah against Wyoming-licensed attorney resulted in a determination that attorney was involved in numerous incidents of negligent representation of clients, trust account violations, ignoring a subpoena issued by a Utah agency, five DUI arrests in a 10-month period and a plea of guilty to a bad check charge relating to his trust account. As a result, attorney

received a lengthy suspension in Utah. Following a reciprocal discipline hearing before the Wyoming Board of Professional Responsibility (BPR) to determine the appropriate sanction for attorney's misconduct, the BPR recommended that attorney be disbarred in Wyoming, Other rules violated: 1.1, 1.3, 1.4, 1.15, 1.16, 8.1, 8.4. **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,912.56 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Johnson*, 428 P.3d 457 (Wyo. 2018).

Attorney made fraudulent charges totaling $762.85 to the debit card of a deceased friend. Attorney also acted as the attorney for the personal representative of the deceased friend's estate and attempted to collect an unreasonable fee in the probate proceeding. Other rules violated: 1.15, 3.1, 8.4(b), 8.4(c), 8.4(d). **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,698.25 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Mears*, 439 P.3d 1077 (Wyo. 2019).

Attorney did not provide clients with a copy of the Rules Governing Contingency Fees for Members of the Wyoming State Bar. Other rules violated: Rules 1.1, 1.2, 1.4, 1.15, 3.1, 4.2, 8.4. **Discipline: Suspension.** Attorney suspended for three year**s.** *Bd. of Prof. Resp. v. Fulton*, 133 P.3d 514 (Wyo. 2006).

Attorney participated for a number of years in a diversion program aimed at rehabilitation, dating back to 2006, but was twice convicted of driving under the influence of alcohol during 2010. Concerns were also brought by a county court system and by clients that the attorney was not adequately representing clients in court proceedings. Other rules violated: Rules 1.1, 1.3, 1.4, 8.4. **Discipline: Suspension.** Attorney suspended for one year and ordered to pay costs of $550. *Bd. of Prof. Resp. v. Anderson*, 261 P.3d 695 (Wyo. 2011).

Attorney did not follow the instructions of the clients, did not properly communicate with the clients, abandoned the clients, and did not complete work for the clients even though fees were collected for that work. Other rules violated: Rules 1.1, 1.2, 1.3, 1.4. **Discipline: Suspension.** Attorney suspended for one year. *Bd. of Prof. Resp. v. Hansen*, Wyoming Supreme Court No. D-04-2. (not reported in P.3d.).

Attorney entered into a Legal Services Agreement (LSA) with client to represent client in a divorce action. The LSA provided that billing would be in one quarter hour minimum increments. The LSA also authorized attorney to file a lien on all property of the client to secure fees and costs, and permitted attorney to "file and record this lien and/or file this agreement." Client paid attorney a $5,000 retainer, and attorney represented client through the first day of trial, after which the case was scheduled for a second day of trial six months later. In the interim, attorney withdrew from the case due to client's failure to pay more than $18,000 in legal fees and costs. Client completed the trial without the assistance of counsel. The ensuing decree of divorce identified certain real property as marital property and ordered the parties to sell it. After the decree was entered, attorney filed a "lien statement" with the county clerk which indicated client owed attorney $18,717.05. The lien statement identified the real property as being subject to a lien and attached as an exhibit a client ledger which set forth the tasks completed by attorney and her staff, the charges therefore and costs disbursed. Client's ex-husband, who was the record owner of the property, demanded that attorney withdraw the notice of lien. When attorney failed to do so the ex-husband complained

to bar counsel. Bar counsel's investigation revealed that attorney committed improper billing practices in the case and had also filed confidential documents – attorney's fee agreement and detailed billing statement without the consent of the client – with the lien statement in violation of attorney's obligation of confidentiality to the client. Other rules violated: 1.9(c) and 8.4(c). **Discipline: Suspension.** Attorney entered into a stipulation in which she conceded that her billing practices violated Rule 1.5 of the Wyoming Rules of Professional Conduct, which prohibits a lawyer from charging an unreasonable fee. Specifically, attorney admitted that she abused a provision of her written fee agreement which provided that all time would be billed in minimum increments of one-quarter hour, that in some instances she billed twice for the same activity, that she improperly billed her client for time spent in seeking a continuance that was the result of attorney's personal scheduling conflicts, and that she did not keep accurate records of her time. Attorney stipulated to a 30-day suspension of her right to practice law. The Court approved the stipulation, issued a written opinion and ordered attorney to pay an administrative fee of $500 and costs of the disciplinary action to the Wyoming State Bar. *Bd. of Prof. Resp. v. Casper*, 318 P.3d 790 (Wyo. 2014).

Attorney failed in professional obligations to two insurance company clients. As to one client, attorney failed to remit settlement funds to the insurance company and failed to respond to numerous demands for payment. As to the other client, attorney mishandled the insurance company's representation in ten different matters. The insurance company sued attorney and obtained a substantial default judgment against attorney. Other rules violated: 1.1, 1.2, 1.3, 1.4, 1.15, 1.16, 3.2, 3.4, 8.1 and 8.4. **Discipline: Suspension.** Attorney suspended for five years and ordered to reimburse the Wyoming State Bar for costs of $50 and administrative fee of $500. Before attorney can apply for reinstatement, he must take and pass the bar exam and show evidence of having made restitution to his insurance company client. *Bd. of Prof. Resp. v. Shreve*, 341 P.3d 370 (Wyo. 2014).

Attorney committed professional misconduct in a client matter in which attorney violated a lawyer's duties of competence, diligence, and maintaining communication with client, and also collected a fee for services he failed to provide. Attorney also failed to cooperate with Bar Counsel's investigation of client's complaint including failure to respond to the formal disciplinary charge, which resulted in a default being entered against attorney in the disciplinary proceeding. Other rules violated: Rules 1.1, 1.3, 1.4, 8.1(b). **Discipline: Suspension.** Attorney suspended for six months to run consecutively with previously-issued order of two year suspension. Attorney ordered to refund $1,000.00 fee to client and to pay an administrative fee of $750.00 and costs in the amount of $605.15 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn,* 406 P.3d 1220 (Wyo. 2017).

Attorney represented a client in a child custody and visitation modification matter. Client paid a $3,000.00 flat fee which the written fee agreement characterized as nonrefundable. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with client, who ultimately terminated attorney's representation. After client discharged attorney, attorney failed to return the unearned portion of the fee. The Court noted that attorney received a public censure for similar misconduct two years earlier, and determined that the harsher sanction of a 30 suspension was appropriate because the lighter sanction did not deter attorney from repeating the misconduct. Other rules violated: 1.3, 1.4, 1.16. **Discipline: Suspension**. Attorney suspended for 30 days, ordered to refund $1,150.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $3,674.39 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hiatt*, 422 P.3d 940 (Wyo. 2018).

Attorney represented client in a divorce matter. Client paid a $5,000.00 fee at the outset. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with client, who ultimately terminated attorney's representation and retained other counsel. Attorney also charged an unreasonable fee for her work on the case. After the client discharged attorney, attorney failed to return all of the unearned portion of the fee. Other rules violated: 1.3, 1.4, 1.16. **Discipline: Suspension.** Attorney suspended for 30 days, ordered to refund $2,350.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Crawford-Fink*, 430 P.3d 323 (Wyo. 2018).

Attorney represented client in a contract dispute. Client, a landscaping contractor, claimed that it was owed approximately $35,000 for work on a residential construction project. Attorney filed a lawsuit on behalf of the landscaping contractor against the homeowners seeking recovery of that amount. Homeowners filed a counterclaim against the landscaping contractor and a third-party claim against its owner. The lawsuit was eventually settled, with the landscaping contractor and its insurer paying $55,000 to the homeowners. Other rules violated: 1.3, 3.3, 3.4(c), 8.4(d). **Discipline: Suspension.** Attorney suspended for 90 days, ordered to refund $2,350.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Crawford-Fink*, 430 P.3d 323 (Wyo. 2018).

Attorney represented client in a divorce matter. Client paid a $3,500.00 fee at the outset of the representation. Client ultimately terminated attorney's representation and demanded return of the fee. Attorney failed to return the unearned portion of the fee. Rules violated; 1.5, 1.16. **Discipline: Suspension**. In light of attorney's prior disciplinary history (which included a private reprimand in 2017 and a 120-day suspension in 2018), attorney agreed that a one-year suspension was an appropriate sanction for her conduct. Attorney agreed to return $3,000.00, representing the remaining unearned portion of the fee, to client. Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Crawford-Fink,* 452 P.3d 1285 (Wyo. 2019).

Attorney represented a client in proceedings to establish paternity, custody, visitation and child support regarding the client's young daughter. Due to attorney's lack of diligence, the resolution of the paternity action was delayed by more than three years and attorney's client was unable to have contact with his daughter for more than two years. Other rules violated: 1.4, 3.2. **Discipline: Suspension.** Attorney suspended for 30 days and ordered to reimburse the Wyoming State Bar for costs of $$6,221.54 and administrative fee of $750. *Bd. of Prof. Resp. v. Tolin*, 436 P.3d 453 (Wyo. 2019).

Attorney failed to comply with Wyoming statutes in the filing of a personal injury action, misled his client as to the status of the personal injury action and missed court deadlines in two separate matters. Rules violated: 1.1, 1.3, 1.4, 3.4(c), 8.4(c). **Discipline: Suspension.** Attorney suspended for one year and ordered to pay an administrative fee in the amount of $1,500.00 ($750.00 each for two separate disciplinary complaints) and costs of $100.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Pearce*, 446 P.3d 717 (Wyo. 2019).

Attorney was hired to represent Wife in a divorce proceeding and paid attorney a non-refundable "availability retainer" of $5,000.00. The "availability retainer" was not a flat fee; attorney's representation agreement stated that Wife was responsible for fees incurred after the $5,000.00 was exhausted. Wife's husband filed for divorce and Wife expressed repeated requests that marital assets should be preserved and expressed concerns about the depletion of marital assets by Husband. Despite Wife's repeated directives to exchange initial disclosures and commence discovery, attorney never did so nor did attorney request an accounting from husband. Attorney otherwise failed to respond from numerous inquiries from Wife. Wife ultimately terminated attorney's representation and retained other counsel.

As soon as attorney's representation was terminated, Wife made repeated requests for an invoice reflecting the time spent on the case and requested a refund of funds not utilized, which she never received. During the fourteen months attorney represented Wife, he never sent an invoice, even after expressly requested, and did not communicate that Wife's "availability retainer" had purportedly been exhausted.

Wife submitted a complaint to the Office of Bar Counsel (OBC). Attorney failed to comply with numerous requests for information from OBC, resulting in OBC's filing a petition for attorney's immediate suspension with the Wyoming Supreme Court. Attorney was suspended but reinstated after he began cooperating with OBC. OBC's investigation continued until attorney stipulated that there was clear and convincing evidence of professional misconduct in the case, including attorney's failure to comply with Wife's directives concerning her divorce; failure to proceed diligently; failure to maintain adequate communication with client; billing abuses; failure to expedite litigation; failure to comply with court rules and failure to cooperate with a disciplinary investigation. The parties stipulated that in addition to violation of numerous Rules of Professional Conduct, the following aggravating factors were present: (1) prior disciplinary record; (2) pattern of misconduct; (3) multiple offenses; (4) bad faith obstruction of the disciplinary proceeding by intentionally failing to cooperate with the OBC's investigation; (5) submission of false evidence, false statements, or other deceptive practices during the disciplinary process; (6) refusal to acknowledge wrongful nature of conduct; and (7) substantial experience in the practice of law. There were no mitigating factors present.

Rules violated: 1.2, 1.3, 1.4, 1.5, 3.2, 3.4, 8.1. **Discipline: Suspension.** Attorney stipulated to a three-year suspension from the practice of law. The stipulation was considered and approved by a review panel of the Board of Professional Responsibility and recommended to the Court. In approving the recommendation of the Board of Professional Conduct's recommendation of a three-year suspension as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. Attorney was also required to refund $1500.00 to Wife. *Bd. of Prof. Resp. v. Tolin*, 501 P.3d 1232 (Wyo. 2022).

Following defendant's conviction at trial of sexual assault, the Wyoming Supreme Court reversed, finding broad-ranging misconduct by the prosecutor and abuse of discretion by the trial judge. On remand, prosecutor continued to display a lack of diligence and failed to comply with various court orders, resulting in prosecutor being removed from the case. In disciplinary proceedings that followed the resolution of the underlying criminal matter, a hearing panel of the Board of Professional

Responsibility found that the prosecutor had violated a number of rules of professional conduct and recommended disbarment. In a 3-2 decision, the Wyoming Supreme Court agreed prosecutor violated several rules but held that other violations found by the BPR were not supported by clear and convincing evidence. The majority held that the lesser sanction of a suspension was warranted. Rules violated: 1.3, 3.2, 3.4 and 8.4(d). **Discipline: Suspension.** Attorney suspended from the practice of law for three years and ordered to pay administrative fees in the amount of $750.00 and costs of $29,827.09 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hinckley*, 503 P.3d 584 (Wyo. 2022).

Attorney received a retainer from a client that was deposited in the attorney's operating account instead of the attorney's trust account. The attorney believed that the retainer was fully earned when received; however, the engagement letter to the client did not state that and could be read to suggest that the retainer was an advance against fees to be earned. Attorney also deposited a refunded bond the client had paid for into the operating account, believing that the client had authorized the attorney to do so; however, there was no evidence from the client that the client authorized the attorney to take that money for fees. Other rule violated: Rule 1.15(a). **Discipline: Public Censure.** Attorney publicly censored. Attorney agreed to a period of suspension in the event of any new violation of the Rules of Professional Conduct with respect to attorney fees. *Bd. of Prof. Resp. v. McColloch*, Wyoming Supreme Court No. D-04-6 (not reported in P.3d).

Attorney represented client with respect to employment-related issues, including a claim for Unemployment Insurance Compensation (UIC) and a discrimination (retaliatory discharge) claim. Attorney required a $4,000 payment from client before filing the discrimination lawsuit, which was deposited into attorney's trust account. Attorney and client had different understandings as to fee arrangements in the two matters. Attorney contended that the legal services he provided in the UIC matter were on an hourly basis, while the discrimination lawsuit was on a contingent fee basis. Client contended that all work performed by attorney after the initial two consultations, for which the client paid attorney's hourly rate, was done on a contingent fee basis. After the two matters were concluded unsuccessfully for the client, attorney threatened to sue the client for more than $70,000 in fees and costs incurred in the UIC matter. Client filed a complaint with Bar Counsel.

Following investigation, Bar Counsel filed a formal disciplinary charge contending that attorney violated numerous Rules of Professional Conduct in his representation of the client. Following a hearing, the Board of Professional Responsibility (BPR) found that attorney violated Rule 1.5 (fees) in charging an unreasonable fee, in failing to communicate the fee arrangement to the client, and in failing to have a written contingent fee agreement. Other rules violated: Rules 1.4, 1.15. **Discipline: Public Censure.** Attorney publicly censured and required to pay administrative fee of $750 and costs of $7,026.42 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Asay*, 374 P.3d 295 (Wyo. 2016).

Attorney undertook representation of a client in a divorce matter. The client paid a $10,000.00 retainer which was charged against attorney's hourly fees in the case. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with his client, who ultimately terminated attorney's representation and retained other counsel. After the client submitted a complaint to the Wyoming State Bar, attorney refunded the $10,000.00 retainer. Attorney agreed that he committed multiple violations of Rule 1.3 (diligence) and Rule 1.4 (communication with

client). He also agreed that he violated Rule 1.5 (fees) in failing to exercise appropriate billing judgment in the case by writing off unproductive, excessive and redundant hours billed to the client. Other rules violated: 1.3, 1.4. **Discipline: Public Censure.** Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Allred*, 378 P.3d 594 (Wyo. 2016).

In representing the personal representative of an estate, attorney missed numerous deadlines set by the Wyoming probate code. Attorney also charged and accepted fees from personal representative without prior approval of the court as required by statute, which resulted in an order requiring attorney to refund those fees to the estate. Other rules violated: 1.1, 1.3. **Discipline: Public Censure.** Attorney ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Learned*, 403 P.3d 1062 (Wyo. 2017).

Attorney represented a church on a *pro bono* basis in a matter involving the sale of church property, with the understanding on attorney's part that funds generated by the sale would be used for a particular purpose. After the sale, the church used the funds for a different purpose, and attorney sent the church a bill for legal services. When the church refused to pay, attorney brought suit against the church to collect for legal services provided. Both parties moved for summary judgment and the court ruled in favor of the church. The collection action was dismissed by the court on the attorney's motion to dismiss with prejudice. Attorney agreed that the conduct violated Rule 1.5. **Discipline: Private Reprimand.** Attorney agreed to reimburse the church for the legal fees it incurred defending the collection action and agreed to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney failed to adequately communicate his hourly rate to client within a reasonable time after commencing representation and failed to provide an invoice to client until the conclusion of the case per the attorney's office policy. Attorney delayed nearly two months before providing the client's new attorney with all client files but did immediately provide the file for the only active case. Rules violated: 1.4, 1.5, 1.15A(b). **Discipline: Private Reprimand.** In determining that a private reprimand was the appropriate sanction, the ROC considered several mitigating factors, including attorney's adoption of several remedial measures to ensure that a similar situation did not occur in the future, including implementing an office policy that invoices are sent to clients on a monthly basis on hourly fee cases and transferring earned funds from the trust account to operating account on a monthly basis. Attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney entered into a contingent fee agreement with a client but failed to do so in writing. The failure to enter into a written representation agreement is a per se violation of Rule 1.5 (fees). **Discipline: Private Reprimand.** In determining that a private reprimand is the appropriate sanction for attorney's violations, the ROC gave due consideration to several mitigating factors present in the case, including the attorney's absence of a prior disciplinary record, absence of a dishonest or selfish motive, full and free disclosure to the Office of Bar Counsel, a cooperative attitude toward proceedings, and that the conduct did not cause actual harm to the client. Attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

**Rule 1.6. Confidentiality of Information**

**(a) A lawyer shall not reveal confidential information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).**
**(b) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:**

**(1) to prevent the client from committing a criminal act;**
**(2) to prevent the client from committing a fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;**
**(3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;**
**(4) to secure legal advice about the lawyer's compliance with these Rules;**
**(5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;**
**(6) to comply with other law or a court order;**
**(7) to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client; or**
**(8) to protect the best interests of an individual when the lawyer has been appointed to act as a guardian ad litem.**

**(c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, confidential information relating to the representation of a client.**

Attorney improperly disclosed confidential client information in court filings and misrepresented facts to the court in litigation involving Attorney's client. Rules violated: 1.6, 3.3. **Discipline: Suspension.** In approving the Board of Professional Responsibility's recommendation for a 60-day suspension, the Court ordered Attorney to pay an administrative fee of $750.00 and to reimburse the Wyoming State Bar for $4,316.06 in costs associated with the disciplinary proceeding. *Bd. of Prof. Resp. v. Austin*, 538 P.3d 653 (Wyo. 2023).

Attorney represented client in a criminal action and was hired to file for divorce on behalf of the client. Attorney delayed filing a divorce action for several months despite client's repeated requests regarding the status of the case and inquiring as to whether her husband had been served with the divorce papers. Approximately nine months later, the divorce action had not been filed and client informed Attorney that she was terminating Attorney's representation in all actions. Upon termination, Attorney filed a motion to withdraw from the criminal case. The motion to withdraw revealed a significant amount of confidential and harmful information that was neither

required nor necessary for the withdrawal. Following commencement of a disciplinary investigation by the Office of Bar Counsel, Attorney admitted that the failure to file the divorce complaint violated Rule 1.3 (diligence). Attorney further admitted that the information stated in the motion to withdraw was confidential information related to the representation of the client which was harmful or potentially harmful to the client; as such, she violated Rules 1.6 and 1.16(d). Rules violated: 1.3, 1.6, 1.16(d). **Discipline: Public censure.** In approving the stipulation of Attorney and Deputy Bar Counsel for a public censure as the appropriate sanction for Attorney's misconduct, the Court ordered Attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Craven*, 524 P.3d 220 (Wyo. 2023).

Attorney disclosed to a third party that attorney had represented a minor in a criminal matter. Although attorney did not identify the minor by name, attorney did identify the minor's mother. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay administrative fee of $500 and costs of $50.

**Rule 1.7. Conflict of Interest: Current Clients**

**(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:**

**(1) the representation of one client will be directly adverse to another client; or**

**(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.**

**(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:**

**(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;**

**(2) the representation is not prohibited by law;**

**(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and**

**(4) each affected client gives informed consent, confirmed in a writing, signed by the client.**

Attorney entered into a consensual sexual relationship with a divorce client and failed to withdraw from the representation after the sexual relationship began. Attorney also advised client to conceal evidence of the relationship and led client to believe that attorney's personal relationship with the presiding judge would work to client's advantage in the divorce action. Attorney knowingly made a false statement of material fact to Bar Counsel regarding the existence of the sexual relationship after a complaint was filed by client's ex-spouse. Rules violated: 1.7(a), 1.8(j), 1.16(a), 3.4(a), 8.1(a), 8.4(d), 8.4(e). **Discipline: Disbarment.** Attorney ordered to pay administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Knudsen,* 444 P. 3d 72 (Wyo. 2019).

Attorney, a county attorney, received a private reprimand which included an order to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. Attorney submitted said items

for payment by the county. A member of the public, believing the payment to be improper, submitted a complaint to Bar Counsel, who inquired of attorney as to the propriety of such payment. Attorney disclosed the new disciplinary complaint to the county commissioners but misrepresented the nature of the new complaint, requesting that the county pay for legal counsel to represent attorney in the new disciplinary inquiry. The county commissioners requested an outside opinion regarding the propriety of the payment, but attorney initially refused to grant authority for the retention of outside counsel. Other rules violated: 1.4, 1.8 and 8.4(c). **Discipline: Suspension.** Attorney stipulated to a 30 day suspension and agreed to reimburse the count of the administrative fee and costs associated with the earlier private reprimand. *Bd. of Prof. Resp. v. Argeris,* 341 P.3d 1030 (Wyo. 2014).

Attorney drafted a will for an elderly woman which named her daughter (attorney's client) as executrix and as a beneficiary and identified attorney as the elderly woman's lawyer and alternate executor. Attorney took such action despite the fact that attorney was aware that the elderly woman was the ward of Wyoming Guardianship Corporation (WGC). Attorney further took such action despite the fact that in the elderly woman's guardianship proceeding, the district court had recently denied attorney's motion to require WGC to allow the elderly woman to draft a new will. Rules violated: 1.7(a), 3.4(c), 8.4(d). **Discipline: Suspension.** Attorney agreed to a 90-day suspension, which was recommended to the Supreme Court by a Review Panel of the Board of Professional Responsibility. Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Pretty,* 462 P.3d 446 (Wyo. 2020).

Attorney into a consensual sexual relationship with a client, failed to withdraw from the client's representation promptly upon entering into the sexual relationship and advised the client to conceal evidence of the relationship. Rules violated: 1.7(a), 1.8(j) and 1.16(a). **Discipline: Suspension.** Attorney agreed to an 18-month suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. In consideration of a number of aggravating and mitigating factors, including attorney's sustained and successful efforts at recovery from alcohol use disorder and other psychological problems, the review panel approved the stipulated, eighteen-month suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jerabek*, 519 P.3d 309 (Wyo. 2022).

Attorney did not immediately withdraw from representation of a criminal defendant who had implicated a current client of the attorney's although the attorney did not continue to represent the criminal defendant. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the costs of the Wyoming State Bar for prosecution of the matter. *Bd. of Prof. Resp. v. Abraham*, Wyoming Supreme Court No. D-09-0002 (not reported in P.3d).

Attorney undertook the representation of the husband in a divorce matter when she was already representing the wife in an unrelated matter. Following a disciplinary hearing before the Board of Professional Responsibility, the Board found that attorney should not have undertaken the representation of the husband in the divorce action, and that even if dual representation of the parties was to be permitted, the lack of a written waiver of the conflict of interest made it impossible to determine if the parties were adequately advised of the problems created by the conflict. The Board

found that attorney's failure to avoid the apparent conflict of interest resulted in injury to the profession, and further found that attorney engaged in deceptive practices during the disciplinary process and failed, until the disciplinary hearing, to acknowledge the wrongful nature of her conduct. **Discipline: Public Censure**. The Wyoming Supreme Court accepted the Board's report and recommendation for a public censure, and ordered attorney to pay an administrative fee of $500, to reimburse the Wyoming State Bar for costs in the amount of $4,697.43, and to obtain four hours of continuing legal education on the subject of ethics. *Bd. of Prof. Resp. v. Van Vleet*, 306 P.3d 1042 (Wyo. 2013).

Clients engaged attorney to represent them in a boundary dispute with a neighbor. Attorney failed to fully inform his clients about attorney's longstanding relationship with the neighbor/adverse party, failed to fully advise the clients about the material limitations his relationship with the neighbor might impose on attorney's ability to represent the clients, and failed to obtain the clients' fully informed to consent in a writing to those conflicts of interest. Then during work on the matter, attorney undertook work to advance interests of the neighbor/adverse party without the informed consent of the clients. Other rule violated: 1.4. **Discipline: Public Censure.** Attorney publicly censured and required to pay administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jones*, 358 P.3d 498 (Wyo. 2015).

A disciplinary complaint against attorney was submitted to the Office of Bar Counsel by a couple whose LLC was sued by attorney. The lawsuit related to a start-up business that operated a workout facility modeled on the Ninja Warrior television series. Two LLCs partnered to operate the gym via a third LLC in which the two member LLCs owned equal shares. Attorney sued on behalf of one of the member LLCs seeking various relief against the other member LLC and the LLC that operated the gym. Although the complaint was styled as something akin to a derivative action, attorney did not comply with statutory prerequisites to bring a derivative action. The district court granted opposing counsel's motion to disqualify attorney based upon a conflict of interest. Thereafter, the court granted the defendants' motion to dismiss the lawsuit, holding that attorney's complaint failed to state a claim because it was not pled in compliance with statutory prerequisites to bring a derivative action.

Once the underlying litigation resolved, the Office of Bar Counsel proceeded with investigation of the disciplinary complaint and concluded that there was clear and convincing evidence that attorney violated Rule 1.7 (concurrent client conflict of interest), Rule 3.1 (asserting a claim lacking factual or legal basis) and Rule 8.4(d) (conduct prejudicial to the administration of justice) of the Wyoming Rules of Professional Conduct. The matter proceeded to a hearing before the Board of Professional Responsibility, with the hearing panel finding that attorney violated Rule 1.7 and Rule 3.1 but not Rule 8.4(d). The hearing panel submitted a report of its findings to the Wyoming Supreme Court along with a recommendation for issuance of a public censure to attorney.

**Discipline: Public Censure.** In approving and adopting the BPR's report and recommendation, the Court ordered attorney to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Woodhouse*, 512 P.3d 960 (Wyo. 2022).

Attorney entered into a limited scope representation with two parties who were adverse to one another in a divorce action. The agreement, which was signed by the husband, the wife and the

attorney, provided that the attorney's representation was limited to helping the couple "prepare the divorce packet according to an agreement that already exists between the parties." The husband signed a separate "Notice of Non-Representation" in which the husband acknowledged that the attorney was not representing the husband, but only the wife. The wife signed an "Acknowledgement and Waiver of Potential Conflict of Interest." Attorney's joint representation of husband and wife in a divorce action violated Rule 1.7, which provides that lawyer may not represent two parties who are adverse to one another in the same litigation, and further provides that such a concurrent conflict of interest is not waivable by either party. **Discipline: Private Reprimand.** Attorney ordered to obtain three hours of ethics CLE and to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney undertook representation of a Client A in defense of a tort action, knowing that another client his law firm already represented in unrelated ongoing matters, Client B, possibly would be implicated in the tort action as a joint tortfeasor or co-conspirator. Attorney obtained written waivers of the potential conflicts signed by both clients at the outset of the engagement. Attorney later received documents showing that someone, possibly Client B, had offered a bribe to Client A for Client A's execution of materially false interrogatory answers, and for giving materially false deposition testimony by which Client A claimed sole responsibility for commission of the tort, and testified to some false facts about Client B's involvement. Plaintiff's attorneys also received the same documents at the same time as attorney for Client A. Attorney failed, after receipt of these documents, to meet the attorney's continuing obligation under Rule 1.7 and Comment 1 thereto, to reconsider the propriety of the firm's simultaneous representation of Clients A and B. Specifically attorney failed to withdraw from the representation in light of the new potential conflicts presented which a reasonable lawyer likely would have concluded were not amenable to waiver, or in the alternative, failed to obtain new fully informed written waivers and consents of both clients to the new potential conflicts of interest disclosed in the documents attorney received. Five months after receipt of the documents disclosing his client's participation and after the discovery of additional communications between Client A and Client B which contained additional proof of the actions of Client A and Client B to obstruct justice, attorney did make a disclosure to the court as required by Rule 3.3(b). The delay in disclosure resulted in some waste of resources of the parties and the court. Attorney agreed that his conduct violated Rule 1.7. Other rule violated: Rule 3.3(b). **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

**Rule 1.8. Conflict of Interest: Current Clients: Specific Prohibited Transactions**

**(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:**

> **(1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;**
>
> **(2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and**
>
> **(3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.**

**(b) A lawyer shall not use confidential information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.**

**(c) A lawyer shall not prepare an instrument giving the lawyer or a person related to the lawyer any substantial gift unless the lawyer or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the lawyer or the client maintains a close, familial relationship.**

**(d) Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.**

**(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:**

**(1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and**

**(2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.**

**(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:**

**(1) the client gives informed consent;**

**(2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and**

**(3) information relating to representation of a client is protected as required by Rule 1.6.**

**(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client gives informed consent, in a writing signed by the client. The lawyer's disclosure shall include the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.**

**(h) A lawyer shall not:**

**(1) make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless the client is independently represented in making the agreement; or**

**(2) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith.**

**(i) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:**

**(1) acquire a lien authorized by law to secure the lawyer's fee or expenses; and**

**(2) contract with a client for a reasonable contingent fee in a civil case.**

**(j) A lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced.**

**(k) While lawyers are associated in a firm, a prohibition in the foregoing paragraphs (a) through (i) that applies to any one of them shall apply to all of them.**

Attorney entered into a consensual sexual relationship with a divorce client and failed to withdraw from the representation after the sexual relationship began. Attorney also advised client to conceal evidence of the relationship and led client to believe that attorney's personal relationship with the presiding judge would work to client's advantage in the divorce action. Attorney knowingly made a false statement of material fact to Bar Counsel regarding the existence of the sexual relationship after a complaint was filed by client's ex-spouse. Rules violated: 1.7(a), 1.8(j), 1.16(a), 3.4(a), 8.1(a), 8.4(d), 8.4(e). **Discipline: Disbarment.** Attorney ordered to pay administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Knudsen,* 444 P. 3d 72 (Wyo. 2019).

Attorney, a county attorney, received a private reprimand which included an order to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. Attorney submitted said items for payment by the county. A member of the public, believing the payment to be improper, submitted a complaint to Bar Counsel, who inquired of attorney as to the propriety of such payment. Attorney disclosed the new disciplinary complaint to the county commissioners but misrepresented the nature of the new complaint, requesting that the county pay for legal counsel to represent attorney in the new disciplinary inquiry. The county commissioners requested an outside opinion regarding the propriety of the payment, but attorney initially refused to grant authority for the retention of outside counsel. Other rules violated: 1.4, 1.7 and 8.4(c). **Discipline: Suspension.** Attorney stipulated to a 30 day suspension and agreed to reimburse the count of the administrative fee and costs associated with the earlier private reprimand. *Bd. of Prof. Resp. v. Argeris,* 341 P.3d 1030 (Wyo. 2014).

Attorney into a consensual sexual relationship with a client, failed to withdraw from the client's representation promptly upon entering into the sexual relationship and advised the client to conceal evidence of the relationship. Rules violated: 1.7(a), 1.8(j) and 1.16(a). **Discipline: Suspension.** Attorney agreed to an 18-month suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. In consideration of a number of aggravating and mitigating factors, including attorney's sustained and successful efforts at recovery from alcohol use disorder and other psychological problems, the review panel approved the stipulated, eighteen-month suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jerabek*, 519 P.3d 309 (Wyo. 2022).

Attorney failed to obtain the proper waivers before entering into a business transaction with a client. **Discipline: Private Reprimand.** Attorney privately reprimanded, required to obtain three ethics credits in regard to conflict of interest issues in a class approved by the Wyoming State Bar. Attorney also required to pay costs in the amount of $2300 and an administrative fee of $500.

**Rule 1.9. Duties to Former Clients**

**(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing. For representation of another person in the same matter the former client's informed consent confirmed in writing shall be signed by the client.**

**(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client**

**(1) whose interests are materially adverse to that person; and**

**(2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing. For representation of another person in the same matter the former client's informed consent confirmed in writing shall be signed by the client.**

**(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:**

**(1) use confidential information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or**

**(2) reveal confidential information relating to the representation except as these Rules would permit or require with respect to a client.**

Attorney entered into a Legal Services Agreement (LSA) with client to represent client in a divorce action. The LSA provided that billing would be in one quarter hour minimum increments. The LSA also authorized attorney to file a lien on all property of the client to secure fees and costs, and permitted attorney to "file and record this lien and/or file this agreement." Client paid attorney a $5,000 retainer, and attorney represented client through the first day of trial, after which the case was scheduled for a second day of trial six months later. In the interim, attorney withdrew from the case due to client's failure to pay more than $18,000 in legal fees and costs. Client completed the trial without the assistance of counsel. The ensuing decree of divorce identified certain real property as marital property and ordered the parties to sell it. After the decree was entered, attorney filed a "lien statement" with the county clerk which indicated client owed attorney $18,717.05. The lien statement identified the real property as being subject to a lien and attached as an exhibit a client ledger which set forth the tasks completed by attorney and her staff, the charges therefore and costs disbursed. Client's ex-husband, who was the record owner of the property, demanded that attorney withdraw the notice of lien. When attorney failed to do so the ex-husband complained to bar counsel. Bar counsel's investigation revealed that attorney committed improper billing practices in the case and had also filed confidential documents – attorney's fee agreement and detailed billing statement without the consent of the client – with the lien statement in violation of attorney's obligation of confidentiality to the client. Other rules violated: 1.5 and 8.4(c). **Discipline: Suspension.** Attorney entered into a stipulation in which she admitted that in recording with the county clerk her fee agreement along with her detailed billing statement without specific consent of her client, she violated Rule 1.9(c), which prohibits a lawyer from revealing confidential information relating to the representation of a former client except in certain situations not present in this case. Attorney stipulated to a 30 day suspension of her right to practice law. The Court approved the stipulation, issued a written opinion and ordered attorney to pay an administrative fee of $500 and costs of the disciplinary action to the Wyoming State Bar. *Bd. of Prof. Resp. v. Casper*, 318 P.3d 790 (Wyo. 2014).

Two attorneys were involved in a lawsuit against one of the lawyer's former client. While partners, one undertook to represent a homeowners association in a suit against a resident. Eleven years earlier, other partner represented the resident who was sued. Despite passage of time between the

two proceedings, they involved common facts including interpretation and application of the same subdivision covenants. **Discipline: Private Reprimand.** Attorneys privately reprimanded and each was required to pay administrative fee of $500 and costs of $50.

**Rule 1.10. Imputation of Conflicts of Interest: General Rule**

**(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless**

**(1) the prohibition is based on a personal interest of the disqualified lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm; or**

**(2) the prohibition is based upon Rule 1.9(a) or (b), and arises out of the disqualified lawyer's association with a prior firm, and**

**(i) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom;**

**(ii) written notice is promptly given to any affected former client to enable the former client to ascertain compliance with the provisions of this Rule, which shall include a description of the screening procedures employed; a statement of the firm's and of the screened lawyer's compliance with these Rules; a statement that review may be available before a tribunal; and an agreement by the firm to respond promptly to any written inquiries or objections by the former client about the screening procedures; and**

**(iii) certifications of compliance with these Rules and with the screening procedures are provided to the former client by the screened lawyer and by a partner of the firm, at reasonable intervals upon the former client's written request and upon termination of the screening procedures.**

**(b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer, and not currently represented by the firm, unless:**

**(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and**

**(2) any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(b) that is material to the matter.**

**(c) A disqualification prescribed by this Rule may be waived by the affected client under the conditions stated in Rule 1.7.**

**(d) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule 1.11.**

**Rule 1.11. Special Conflicts of Interest for Former and Current Government Officers and Employees**

**(a) Except as law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:**

**(1) is subject to Rule 1.9(c); and**

**(2) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to allow the representation.**

**(b) When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:**

**(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and**

**(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.**

**(c) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule, the term "confidential government information" means information that has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom.**

**(d) Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee:**

**(1) is subject to Rules 1.7 and 1.9; and**

**(2) shall not:**

**(i) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing; or**

**(ii) negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk to a judge, other adjudicative officer or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b).**

**(e) As used in this Rule, the term "matter" includes:**

**(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties; and**

**(2) any other matter covered by the conflict of interest rules of the appropriate government agency.**

**Rule 1.12. Former Judge, Arbitrator, Mediator, or Other Third-Party Neutral**

**(a) Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in a writing signed by the client.**

**(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral. A lawyer serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge or other adjudicative officer.**

**(c) If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:**

> **(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and**
>
> **(2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule.**

**(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.**

**Rule 1.13. Organization as Client**

**(a) A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.**

**(b) If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law which reasonably might be imputed to the organization, and is likely to result in substantial injury to the organization, then the lawyer shall proceed as is reasonably necessary in the best interest of the organization. Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the highest authority that can act on behalf of the organization as determined by applicable law.**

**(c) Except as provided in paragraph (d), if**

> **(1) despite the lawyer's efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action or a refusal to act, that is clearly a violation of law; and**
>
> **(2) the lawyer reasonably believes that the violation is reasonably certain to result in substantial injury to the organization,**
>
> **then the lawyer may reveal information relating to the representation whether or not Rule 1.6 permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.**

**(d) Paragraph (c) shall not apply with respect to information relating to a lawyer's representation of an organization to investigate an alleged violation of law, or to defend the organization or an officer, employee or other constituent associated with the organization against a claim arising out of an alleged violation of law.**
**(e) A lawyer who reasonably believes that he or she has been discharged because of the lawyer's actions taken pursuant to paragraphs (b) or (c), or who withdraws under circumstances that require or permit the lawyer to take action under either of those paragraphs, shall proceed as the lawyer reasonably believes necessary to assure that the organization's highest authority is informed of the lawyer's discharge or withdrawal.**
**(f) In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.**
**(g) A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7. If the organization's consent to the dual representation is required by Rule 1.7, the consent shall be given by an appropriate official of the organization other than the individual who is to be represented, or by the shareholders.**

**Rule 1.14. Client With Diminished Capacity**

**(a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.**
**(b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken, and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.**
**(c) Confidential information relating to the representation of a client with diminished capacity is protected by Rule 1.6. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.**
**(d) A lawyer appointed to act as a guardian ad litem represents the best interests of that individual, and shall act in the individual's best interests even if doing so is contrary to the individual's wishes. To the extent possible, however, the lawyer shall comply with paragraph (a) of this rule.**

**Rule 1.15. Safekeeping Property**

**(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. All client or third**

**person funds shall be deposited in an "IOLTA Account" or "Non-IOLTA Account" (or accounts). Other property shall be identified as belonging to the appropriate entity and appropriately safeguarded.**

**(1) "IOLTA Account" refers to a trust account at an "IOLTA-Eligible Institution" from which funds may be withdrawn upon request as soon as permitted by law. An IOLTA Account is a pooled interest-bearing account that shall include only client or third person funds that cannot earn income for the client or third person in excess of the costs incurred to secure such income while the funds are held. All other client or third person funds shall be deposited into a Non-IOLTA Account.**

**(i) In determining whether client or third person funds should be deposited in an IOLTA Account or a Non-IOLTA Account, a lawyer shall consider the following factors:**

**(A) the amount of interest or dividends the funds would earn during the period that they are expected to be deposited in light of the amount of the funds to be deposited; the expected duration of the deposit, including the likelihood of delay in the matter for which the funds are held; and the rates of interest or yield at financial institutions where the funds are to be deposited;**

**(B) the cost of establishing and administering Non-IOLTA Accounts for the client or third person's benefit, including service charges or fees, the lawyer's services, preparation of tax reports, or other associated costs;**

**(C) the capability of financial institutions or lawyers to calculate and pay income to individual clients or third persons; and**

**(D) any other circumstances that affect the ability of the funds to earn a net return for the client or third person.**

**(i) Lawyers may only place their IOLTA Accounts in IOLTA Eligible Institutions. IOLTA Eligible Institutions are depository institutions which voluntarily offer IOLTA Accounts and meet the requirements of this Rule. The Equal Justice Wyoming Foundation will maintain a list of IOLTA Eligible Institutions currently holding IOLTA Accounts, and shall provide the list upon request.**

**(ii) An IOLTA Eligible Institution shall:**

**(A) ensure that each IOLTA Account receives the highest interest rate that the depository institution pays other customers when the IOLTA Account meets the same minimum balance or other requirements. IOLTA Eligible Institutions may elect to pay higher rates than required;**

**(B) deduct only allowable reasonable fees from IOLTA interest, defined as per check charges, per deposit charges, a fee in lieu of a minimum balance, federal deposit insurance fees, sweep fees, and a reasonable IOLTA Account administrative or maintenance fee. All other fees are the responsibility of, and may be charged to, the lawyer maintaining the IOLTA Account. Fees or charges in excess of the interest or dividends earned on the account for any month or quarter shall not be taken from interest or dividends earned on other IOLTA Accounts or from the principal of the account. IOLTA Eligible Institutions may elect to waive any or all fees on IOLTA Accounts;**

**(C) remit, each month, interest or dividends, net of any service charges or fees, on the average monthly balance in the account, or as otherwise computed**

**in accordance with the institution's standard accounting practice for other depositors, to the Equal Justice Wyoming Foundation, a tax exempt entity;**

**(D) transmit with each remittance to the Equal Justice Wyoming Foundation, in an electronic format to be specified by the Equal Justice Wyoming Foundation, a statement which shall include the following: (1) the name of the member or the member's law firm for whom the remittance is sent, (2) the account number of each account, (3) the rate of interest applied, (4) the amount of interest or dividends remitted, (5) the amount and type of charges or fees deducted, if any, and (6) the average account balance for the period in which the report is made; and**

**(E) transmit to the depositing lawyer a report in accordance with normal procedures for reporting to its depositors.**

**(iii) All interest transmitted to the Equal Justice Wyoming Foundation shall be distributed by the Equal Justice Wyoming Foundation for the purposes of providing legal services to the indigent of Wyoming, who would otherwise be unable to obtain legal assistance; providing public education projects which promote a knowledge and awareness of the law; providing projects which improve the administration of justice; or providing for the reasonable costs of administration of interest earned on accounts under this Rule. Subject to the fulfillment of fund purposes, the Equal Justice Wyoming Foundation shall have the sole discretion of allocation, division, and distribution of funds.**

**(iv) The Equal Justice Wyoming Foundation shall have authority to promulgate administrative policies and rules consistent with this Rule, subject to the approval of the Supreme Court.**

**(2) "Non-IOLTA Account" refers to a trust account from which funds may be withdrawn upon request as soon as permitted by law. Any interest earned on such an account shall be paid to the client or third person. Such an account shall be established as:**

**(i) A separate client trust account for the particular client or matter; or**

**(ii) A pooled client trust account with subaccounting by the depository institution or by the lawyer. Such subaccounting shall provide for computation of net interest or dividend earned by each client or third person's funds and the payment thereof to the client or third person.**

**(3) A lawyer's good-faith decision regarding the deposit or holding of all client or third person funds in an IOLTA Account versus a Non-IOLTA Account is not reviewable by a disciplinary body. A lawyer shall review the IOLTA Account at reasonable intervals to determine whether changed circumstances require the funds to be deposited prospectively in a Non-IOLTA Account.**

**(b) Any trust account shall comply with the following provisions:**

**(1) The account shall be with a regulated financial institution that is located or has a branch located in Wyoming, the deposits of which are insured by an agency of the federal government and which has been approved by the Wyoming State Bar to serve as a depository for lawyer trust accounts.**

**(i) To apply for approval, financial institutions shall file with the Wyoming State Bar an overdraft notification agreement, in a form provided by the Wyoming State Bar, to report to the Office of Bar Counsel, Wyoming State Bar, in the event**

**any properly payable trust account instrument is presented against insufficient funds or when any other debit to such account would create a negative balance in the lawyer trust account, whether or not the instrument or other debit is honored and irrespective of any overdraft protection or other similar privileges that may attach to such account. Such agreement shall apply to all branches of the financial institution and shall not be canceled except on 120 days' notice in writing to the Wyoming State Bar. Upon notice of cancellation or termination of the agreement, a financial institution must notify all holders of trust accounts subject to the provisions of this rule at least 90 days before termination of approved status that the financial institution will no longer be approved to hold such trust account.**

**(ii) The Wyoming State Bar shall establish guidelines regarding the process of approving and terminating "approved status" for financial institutions, and for other operational procedures to effectuate this rule in consultation with the Office of Bar Counsel. The Wyoming State Bar shall periodically publish a list of approved financial institutions. No trust account shall be maintained in any financial institution that has not been so approved. Approved status under this section does not substitute for "IOLTA-Eligible Institution" status under Rule 1.15(a)(1).**

**(iii)The overdraft notification agreement shall further provide that all reports made by the financial institution shall be in the following format: (1) in the case of a dishonored instrument, the report shall be identical to the overdraft notice customarily forwarded to the depositor; (2) in the case of an instrument that is presented against insufficient funds but which instrument is honored, the report shall identify the financial institution, the lawyer or law firm, the account number, the date of presentation for payment, and the date paid, as well as the amount of the overdraft created thereby. Such reports shall be made simultaneously with, and within the time provided by law for, notice of dishonor. If an instrument presented against insufficient funds is honored, then the report shall be made within five business days of the date of presentation for payment against insufficient funds.**

**(iv)The overdraft notification agreement must provide that a financial institution is not prohibited from charging the lawyer for the reasonable cost of providing the reports and records required by this rule, but those costs may not be charged against principal, nor against interest earned on trust accounts, including earnings on IOLTA Accounts payable to the Equal Justice Wyoming Foundation. Such costs, if charged, shall not be borne by clients.**

**(v) Each financial institution must cooperate with the Office of Bar Counsel and produce any trust account records on receipt of a subpoena in accordance with any proceeding pursuant to the Rules of Disciplinary Procedure.**

**(vi)Every lawyer or law firm maintaining a trust account in accordance with this Rule shall, as a condition thereof, be conclusively deemed to have consented to the reporting and production requirements by financial institutions mandated by this Rule, and shall be deemed to have consented under applicable privacy laws to the reporting of information required by this Rule.**

**(vii) A financial institution shall be immune from suit arising out of its actions or omissions in reporting overdrafts or insufficient funds or producing documents under this Rule.**

**(viii) The agreement required by this Rule shall not be deemed to create a duty to exercise a standard of care and shall not constitute a contract for the benefit of any third parties that may sustain a loss as a result of lawyers overdrawing trust accounts.**

**(2) The account shall include all client or third party funds except those funds deposited pursuant to the written instructions of the client or third party in a special interest bearing account with the interest being paid pursuant to the written instructions of the client or third party.**

**(3) No interest from the account shall be made available to a lawyer or law firm.**

**(4) Trust accounts shall be managed as follows:**

**(i) Debit cards or automated teller machine cards shall not be used to withdraw funds from a trust account.**

**(ii) Client or third party funds received shall be deposited intact and records of deposit should be sufficiently detailed to identify each item.**

**(iii) All trust account withdrawals and transfers shall be made only by a lawyer admitted to practice law in Wyoming or by a person supervised by such lawyer and may be made only by authorized bank or wire transfer or by check payable to a named payee.**

**(iv) Cash withdrawals and checks made payable to "Cash" are prohibited.**

**(v) A lawyer shall request that the lawyer's trust account bank return to the lawyer, photo static or electronic images of canceled checks written on the trust account. If the bank provides electronic images, the lawyer shall either maintain paper copies of the electronic images or maintain the electronic images in readily obtainable format.**

**(vi) Only a lawyer admitted to practice law in Wyoming or a person supervised by such lawyer shall be an authorized signatory on a trust account.**

**(5) The account must be in the name of the lawyer or the law firm and be clearly labeled or designated as a "trust account." The lawyer must be able to write checks or make disbursements directly from the account.**

**(c) A lawyer may deposit the lawyer's own funds in a trust account solely to satisfy the bank's minimum deposit requirement or for the purpose of paying bank service charges on that account, but only in an amount necessary for such purposes.**

**(d) A lawyer shall deposit into a client trust account legal fees that have been paid but not yet earned and expenses that are anticipated but have not yet been incurred. The lawyer may withdraw such advance payments only as fees are earned or expenses incurred.**

**(e) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property. Complete records of such accounting shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.**

**(f) When in the course of representation a lawyer is in possession of property in which two or more persons (one of whom may be the lawyer) claim interests, the property in dispute**

**shall be kept in trust by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the property as to which the interests are not in dispute.**

**(g) A lawyer shall maintain current trust account records and shall retain the following records for a period of five years after termination of the representation.**

**(1) Receipt and disbursement journals containing a record of deposits to and withdrawals from client trust accounts, specifically identifying the date, payor, and description of each item deposited, as well as the date, payee and purpose of each disbursement;**

**(2) Ledger records for all trust accounts showing, for each separate client, the payor of all funds deposited, the names of all persons for whom the funds are or were held, the amount of such funds, the descriptions and amounts of charges or withdrawals, and the names of all persons or entities to whom such funds were disbursed;**

**(3) A t least quarterly a written reconciliation of trust account journals, ledgers, and bank statements;**

**(4) The physical or electronic equivalents of all checkbooks registers, bank statements, records of deposit, and canceled or voided checks;**

**(5) Records of all electronic transfers from trust accounts, including the name of the person authorizing the transfer, the date of transfer, the name of the recipient and confirmation from the financial institution of the trust account number from which money was withdrawn and the date and the time the transfer was completed; and**

**(6) Copies of those portions of client files that are reasonably related to trust account transactions.**

**Records required by this Rule may be maintained in electronic, photographic, or other media provided that they otherwise comply with these Rules and that printed copies can be produced. These records shall be readily accessible to the lawyer.**

**(h) A trust account complying with this Rule is required for funds of clients or third persons coming into a lawyer's possession in the course of legal representation for which membership in the Wyoming State Bar is required. Members of the Wyoming State Bar who, because of the nature of their practice, do not, in the course of providing legal representation requiring membership in the Wyoming State Bar, receive funds of clients or third persons need not maintain a trust account in compliance with this Rule.**

**(i) Each active member of the Wyoming State Bar who practices within the state shall certify each year upon making payment of annual license fees that the member has and intends to keep in force in the State of Wyoming a separate bank account or accounts for the purpose of keeping money in trust for clients or third persons, which account conforms to the requirements of this Rule, or that because of the nature of the member's practice no client or third person funds are received. Certification shall be upon a form to be provided by the Wyoming State Bar and shall include the following: (1) the name and address of the lawyer or law firm filing the certification; (2) the name and address of each financial institution in which the account or accounts are maintained; (3) the account number of each account maintained pursuant to this Rule; (4) the dates covered by the certification; and (5) the signature, under penalty of perjury, of the lawyer making the certification.**

**(j) If the owner of property being held in trust by a member of the Wyoming State Bar cannot be located after reasonable efforts, such property shall be remitted to the Client Protection Fund of the Wyoming State Bar.**

**(k) Upon dissolution of a law firm or of any legal professional corporation, the partners shall make reasonable arrangements for the maintenance of client trust account records specified in this Rule.**
**(l) Upon the sale of a law practice, the seller shall make reasonable arrangements for the maintenance of records specified in this Rule.**

Attorney failed to respond to multiple inquiries from client who was the personal representative of an estate regarding proceeds from the sale of a house in the estate. Attorney deposited the proceeds from the sale of the house into the attorney's trust account and then diverted those funds to other uses. Other rules violated: Rules 1.4, 1.5 and 8.4. **Discipline: Disbarment**. Attorney disbarred and ordered to reimburse the estate in the amount of $37,067.63, to refund $1,000 to the client and to pay an administrative fee of $500 and $3,112.28 in costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Shifrar*, 286 P.3d 1027 (Wyo. 2012).

Disciplinary proceedings in Utah against Wyoming-licensed attorney resulted in a determination that attorney was involved in numerous incidents of negligent representation of clients, trust account violations, ignoring a subpoena issued by a Utah agency, five DUI arrests in a 10-month period and a plea of guilty to a bad check charge relating to his trust account. As a result, attorney received a lengthy suspension in Utah. Following a reciprocal discipline hearing before the Wyoming Board of Professional Responsibility (BPR) to determine the appropriate sanction for attorney's misconduct, the BPR recommended that attorney be disbarred in Wyoming, Other rules violated: 1.1, 1.3, 1.4, 1.5, 1.16, 8.1, 8.4. **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,912.56 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Johnson*, 428 P.3d 457 (Wyo. 2018).

Attorney made fraudulent charges totaling $762.85 to the debit card of a deceased friend. Attorney also acted as the attorney for the personal representative of the deceased friend's estate and attempted to collect an unreasonable fee in the probate proceeding. Other rules violated: 1.5, 3.1, 8.4(b), 8.4(c), 8.4(d). **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,698.25 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Mears*, *Bd. of Prof. Resp. v. Mears*, 439 P.3d 1077 (Wyo. 2019).

Attorney converted funds properly belonging to a guardianship/conservatorship to her own benefit, thereby breaching her fiduciary duty to the guardianship/conservatorship. In another case in which the attorney served as the lawyer for the estate of an elderly female client from whom the attorney had received hundreds of thousands of dollars, the attorney committed a theft of funds from the estate in violation of a court order for distribution of the estate. In so doing, the attorney defrauded the beneficiary of the estate, Wyoming Community Foundation, of substantial funds which should have been paid to the foundation. Rules violated: 1.15, 3.3, 3.4(c), 8.4(c). **Discipline: Disbarment**. In its order of disbarment, the Court directed the attorney to pay restitution in the amount of $40,000.00 to Wyoming Community Foundation and to pay $4,128.99 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hanson*, 539 P.3d 391 (Wyo. 2023).

Attorney failed to safeguard a client's stock certificate and also failed to obtain a replacement stock certificate for three years. The attorney also failed to properly communicate with the client regarding this matter. In another matter, the attorney, while acting as co-personal representative for the

Estate of a client whose will the attorney had drafted, took a personal loan from the Estate for over $44,000 as well as purchased a computer with assets of the Estate without permission of the other co-personal representative. The attorney eventually repaid the Estate, with interest, approximately two years later, after the attorney had been removed as the co-personal representative. Other rules violated: Rules 1.3, 1.4. **Discipline: Suspension.** Attorney suspended for five years**.** *Bd. of Prof. Resp. v. Gish*, Wyoming Supreme Court No. D-03-12 (not reported in P.3d).

Attorney violated Rule 1.15(c) by delivering a portion of the clients' funds to them with two checks that were returned for insufficient funds. Attorney violated Rule 1.15(a) because a Certificate of Deposit was purchased with clients' funds in the name of the attorney's law firm instead of the clients' names and because the attorney did not keep those funds separate from the attorney's own but essentially took them as the attorney's own. Other rules violated: Rules 1.1, 1.2, 1.4, 1.5. 3.1, 4.2, 8.4. **Discipline: Suspension.** Attorney suspended for three years*. Bd. of Prof. Resp. v. Fulton*, 133 P.3d 514 (Wyo. 2006).

Attorney agreed to represent an out-of-state personal representative in the probate of the estate and agreed to serve as co-personal representative. Attorney failed to perform his duties in a timely, competent manner. Following a hearing, the Board of Professional Responsibility found that attorney violated several Rules of Professional Conduct in his handling of a probate matter. Other rules violated: 1.1, 1.3, 1.4, 3.1(c), 3.3. **Discipline: Suspension**. Attorney suspended for 90 days and ordered to reimburse the Wyoming State Bar for costs in the amount of $5,831.92 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Bagley*, 327 P.3d 721 (Wyo. 2013).

Attorney failed in professional obligations to two insurance company clients. As to one client, attorney failed to remit settlement funds to the insurance company and failed to respond to numerous demands for payment. As to the other client, attorney mishandled the insurance company's representation in ten different matters. The insurance company sued attorney and obtained a substantial default judgment against attorney. Other rules violated: 1.1, 1.2, 1.3, 1.4, 1.5, 1.16, 3.2, 3.4, 8.1 and 8.4. **Discipline: Suspension.** Attorney suspended for five years and ordered to reimburse the Wyoming State Bar for costs of $50 and administrative fee of $500. Before attorney can apply for reinstatement, he must take and pass the bar exam and show evidence of having made restitution to his insurance company client. *Bd. of Prof. Resp. v. Shreve*, 341 P.3d 370 (Wyo. 2014).

Attorney committed professional misconduct in a number of client matters, including violation of attorney's duties of competence, diligence, and maintaining communication with clients. Attorney's neglect in several cases, including his failure to appear at scheduled hearings, led to the assessment of monetary and other sanctions against clients, some of which were paid by attorney personally. In two cases, attorney's clients' cases were dismissed because of Attorney's neglect. In one case, a client paid attorney $500.00 for the cost of a hearing transcript in connection with an appeal but attorney never obtained the transcript. This conduct constituted a violation of attorney's duty to safeguard client property. Other rules violated: Rules 1.1, 1.3, 1.4, 1.16. **Discipline: Suspension.** Attorney suspended for two years. Attorney was ordered to pay $1,075.85 to a former client and to pay $3,750.00 in administrative fees and $5,475.18 in costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn,* 402 P.3d 950 (Wyo. 2017).

Attorney represented a client in a child custody and visitation modification matter. Client paid a $3,000.00 flat fee which the written fee agreement characterized as nonrefundable. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with client, who ultimately terminated attorney's representation. After client discharged attorney, attorney failed to return the unearned portion of the fee. The Court noted that attorney received a public censure for similar misconduct two years earlier, and determined that the harsher sanction of a 30 suspension was appropriate because the lighter sanction did not deter attorney from repeating the misconduct. Other rules violated: 1.3, 1.4, 1.5. **Discipline: Suspension**. Attorney suspended for 30 days, ordered to refund $1,150.00 in unearned fees to the client, to pay an administrative fee in the amount of $750.00 and costs of $3,674.39 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hiatt*, 422 P.3d 940 (Wyo. 2018).

Attorney failed to maintain proper records regarding funds held in his lawyer trust account. Investigation of activities in attorney's trust account revealed that funds in the account were routinely commingled with attorney's own funds. Further, the investigation revealed that attorney's legal assistant, who had been appointed to act as the personal representative in a probate matter being handled by attorney, embezzled tens of thousands of dollars from the estate and then replaced those funds with money she embezzled from attorney. The investigation revealed no evidence that any client was harmed by such conduct. However, attorney was found to have breached his duty to supervise his nonlawyer assistant. Rules violated: 1.15, 5.3. **Discipline: Suspension.** In adopting the BPR's recommendation for a one-year suspension, the Court ordered attorney to pay an administrative fee of $750.00 and costs in the amount of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Young*, 503 P.3d 80 (Wyo. 2022).

Attorney received a retainer from a client that was deposited in the attorney's operating account instead of the attorney's trust account. The attorney believed that the retainer was fully earned when received; however, the engagement letter to the client did not state that, and could be read to suggest that the retainer was an advance against fees to be earned. Attorney also deposited a refunded bond the client had paid for into the attorney's operating account, believing that the client had authorized the attorney to do so; however, there was no evidence from the client that the client authorized the attorney to take that money for fees. Other rule violated: Rule 1.5. **Discipline: Public Censure.** Attorney publicly censured. Attorney agreed to a period of suspension in the event of any new violation of the Rules of Professional Conduct with respect to attorney fees. *Bd. of Prof. Resp. v. McColloch*, Wyoming Supreme Court No. D-04-6 (not reported in P.3d).

Attorney and client entered into a contract stipulating client would pay all billing statements within 25 days after receipt. Attorney received garnishment funds for the client. The client was shown the garnished funds, and as agreed by the client, the garnished funds were deposited into the law firm's trust account. When the client admitted that the attorney's legal fees were due and owing, the attorney offset the legal fees that were due out of the garnished funds without express authority from the client. In offsetting the fees out of funds held for the client without obtaining client permission, the attorney violated Rule 1.15. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Davidson*, 117 P.3d 452 (Wyo. 2005).

Attorney represented client with respect to employment-related issues, including a claim for Unemployment Insurance Compensation (UIC) and a discrimination (retaliatory discharge) claim. Attorney required a $4,000 payment from client before filing the discrimination lawsuit, which was deposited into attorney's trust account. Attorney and client had different understandings as to fee arrangements in the two matters. Attorney contended that the legal services he provided in the UIC matter were on an hourly basis, while the discrimination lawsuit was on a contingent fee basis. Client contended that all work performed by attorney after the initial two consultations, for which the client paid attorney's hourly rate, was done on a contingent fee basis. After the two matters were concluded unsuccessfully for the client, attorney threatened to sue the client for more than $70,000 in fees and costs incurred in the UIC matter. Client filed a complaint with Bar Counsel.

Following investigation, Bar Counsel filed a formal disciplinary charge contending that attorney violated numerous Rules of Professional Conduct in his representation of the client. Following a hearing, the Board of Professional Responsibility (BPR) found that attorney violated Rule 1.15 (lawyer trust accounts) when he applied a portion of the $4,000 payment made by the client, which was intended to pay out-of-pocket costs incurred in the discrimination lawsuit, to pay a portion of Asay's fees and costs in the UIC matter. Other rules violated: Rules 1.4, 1.5. **Discipline: Public Censure.** Attorney publicly censured and required to pay administrative fee of $750 and costs of $7,026.42 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Asay*, 374 P.3d 295 (Wyo. 2016).

Attorney transferred money from the attorney's trust account to the attorney's personal account before then transferring it to another attorney's trust account. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay administrative fee of $500.

Attorney received certain funds into the lawyer's IOLTA client trust account and then distributed the funds to attorney's clients and to pay legal fees. Those payments were in conflict with a final district court order. Attorney failed to give notice of receipt of the funds to third parties who claimed an interest in the funds. Other rules violated: 3.4(c), 8.4(d). **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay administrative fee of $750 and costs of $50 to the Wyoming State Bar.

**Rule 1.15A. Client Files.**

**(a) For purposes of this Rule, the client's file consists of the following physical and electronically stored materials:**

**(1) all papers, documents, and other materials, whether in physical or electronic form, that the client supplied to the lawyer;**

**(2) all correspondence relating to the matter, whether in physical or electronic form;**

**(3) all pleadings and other papers filed with or by the court, administrative tribunal, arbitrator or mediator or served by or upon any party relevant to the client's claims or defenses;**

**(4) all investigatory or discovery documents, including but not limited to medical records, photographs, tapes, disks, investigative reports, expert reports, depositions, and demonstrative evidence; and**

**(5) all intrinsically valuable documents of the client.**

**Paragraph (a) does not impose an obligation to preserve documents that a lawyer following customary practices would not normally preserve in the client's file. For purposes of subparagraph (5), documents are intrinsically valuable where they constitute trust property as defined in Rule 1.15 or have legal, operative, personal, historical or other significance in themselves, including wills, trusts and other executed estate planning documents, deeds, securities, negotiable instruments, and official corporate or other records.**

**(b) A lawyer must make the client's file available to a client or former client in either commonly available electronic or hard copy form as reasonably acceptable to the client or former client, within a reasonable time following the client's or former client's request for the file, provided however, that:**

**(1) the lawyer may at the lawyer's own expense retain electronic or paper copies of documents turned over to the client; and**

**(2) the lawyer is not required to turn over to the client documents for which the client is obligated to pay under the fee agreement but has not paid.**

**(c) Except for materials governed by paragraphs (d), (e) and (f), a lawyer shall take reasonable measures to retain a client's file in a matter until at least five years have elapsed after completion of the matter or termination of the representation in the matter unless:**

**(1) the lawyer has transferred the file or items to the client or successor counsel, or as otherwise directed by the client, or**

**(2) the client agrees in writing to an alternative arrangement for the file's custody or destruction, provided, however, that files relating to the representation of a minor shall be retained until at least five years after the minor reaches the age of majority.**

**If the client has not requested the file within five years after completion or termination of the representation or within five years after a minor reaches the age of majority, the file may be destroyed except as provided in paragraphs (d), (e), and (f) below.**

**(d) Intrinsically valuable documents that constitute trust property of the client must be delivered to the client as provided in Rule 1.15. All other intrinsically valuable documents must be appropriately safeguarded and delivered in accordance with paragraph (b) above or retained until such time as the documents no longer possess intrinsic value. If the client cannot be found, the lawyer shall securely retain such documents or, where applicable, deliver such items to an appropriate governmental repository.**

**(e) A lawyer shall not destroy a client's file if the lawyer knows or reasonably should know that:**

**(1) a lawsuit or other legal claim related to the client matter is pending or reasonably anticipated;**

**(2) a criminal or other governmental investigation related to the client matter is pending or reasonably anticipated; or**

**(3) a disciplinary investigation or proceeding related to the client matter or a claim before the Client Protection Fund Committee is pending or reasonably anticipated.**

**(f) Criminal defense counsel, counsel in juvenile cases and protective counsel appointed pursuant to the Wyoming Rules of Disciplinary Procedure shall retain a client's files as follows:**

**(1) for the life of the client in criminal matters that resulted in a conviction and a sentence of death or life imprisonment with or without the possibility of parole;**

**(2) in criminal matters that resulted in a conviction and a period of incarceration, for five years after the later of the completion of the representation, the conclusion of all**

**direct appeals, or the end of the client's maximum period of incarceration, but in no event longer than the life of the client; and**

**(3) in all other criminal matters and in all juvenile matters, for five years after the later of the completion of the representation or the conclusion of all direct appeals, but in no event longer than the life of the client.**

**(g) A lawyer shall take reasonable measures to ensure that the destruction of all or any portion of a client file shall be carried out in a manner consistent with all applicable confidentiality obligations.**

COMMENT

[1] In order to represent clients competently in a matter, lawyers customarily maintain a file of papers and electronically stored information that will in the lawyers' judgment aid in the representation. This Rule governs lawyers' obligations with respect to the custody and destruction of client files. A lawyer's obligations with respect to client funds and trust property such as jewelry or other valuables are governed by Rule 1.15. Lawyers are encouraged to address disposition of client files in a written engagement letter and, in instances where particular arrangements for disposition or transfer have not been made, in the lawyer's final communication to the client at the conclusion of a matter.

[2] The client's file in a given matter consists of those items that must be made available upon the client's direction to the client or successor counsel to provide a reasonably complete record of the services provided and, if the matter is unfinished, to give successor counsel what is needed to complete the representation. Thus, the client file for a litigation matter would include the pleadings and court filings, rulings and other documents issued by the court, all correspondence including with the client and opposing counsel, deposition transcripts, documents produced or received in discovery (subject to applicable protective orders), investigatory materials and expert reports, the trial record, memorialized legal research and analysis, and any settlement documents. In a case with a limited number of parties, the pleadings would include all the material pleadings. In a large case with many parties, such as a large bankruptcy proceeding, the pleadings would only include those directly relevant to the client's claims and defenses. The client file for a transactional matter would include all correspondence, including with the client and counterparties and the exchange of drafts, contracts and other documents establishing the terms of the transaction (often gathered into a "closing binder"), and memorialized legal research and analysis.

[3] Multiple copies or drafts of the same document ordinarily do not constitute part of the client's file unless the matter is unfinished, and the client and successor counsel must have the drafts to complete the representation. Similarly, a lawyer's personal notes ordinarily do not constitute part of the client's file unless the notes are the only record of a witness interview, a settlement negotiation, a meeting with regulators or prosecutors, or some similar event. Once a document is finalized or personal notes of an event are memorialized, this Rule does not require preservation of the drafts or notes. However, documents that are part of the client's file at the time of a request for the file must thereafter be preserved and produced. Except as provided in comment [4], this Rule does not require preservation of any physical documents that have been converted to electronic form.

[4] Unless other applicable law requires a particular document to be physically preserved for its legal effectiveness, a lawyer may maintain a client's file in electronic form, provided, however, that, for documents stored only in electronic form, the lawyer must make reasonable efforts to store such electronic files in a form that can be read with available technology for any period during which the file must be retained. If the original form of the document is important, however, it should not be destroyed without the client's permission.

[5] The client's file does not include a lawyer's administrative files such as conflict checks, billing and accounting records, and communications within a law firm concerning matters of administration such as account creation, billing and collections, logistics, and the assignment and evaluation of personnel assigned to the matter. Such documents may be subject to discovery in a dispute concerning the representation, but ordinarily do not need to be provided to the client or successor counsel at the client's direction.

[6] Rule 1.15A does not supersede obligations imposed by court order, rules of a tribunal, or other law including discovery rules in civil cases, subpoenas and other mandatory process, and the law of spoliation and obstruction of justice. The maintenance of records required for trust property and trust accounts is governed exclusively by Rule 1.15. A document may be subject to more than one retention requirement, in which case the lawyer should retain the document for the longest applicable period.

[7] Under paragraphs (c) and (f) of this Rule, the nature of the underlying case dictates the minimum time period that a file must be retained before it may be destroyed without client agreement. In addition, a lawyer may not destroy the files under paragraph (e) if the lawyer knows that there are legal or disciplinary proceedings pending or anticipated that relate to the matter for which the lawyer created the files, if the materials at issue are intrinsically valuable documents under paragraph (d), or if the lawyer has agreed otherwise. If the conditions imposed by this Rule are satisfied, the lawyer may destroy the files in a manner consistent with the lawyer's obligation to maintain the confidentiality of information relating to the representation under Rules 1.6 and 1.9 and other applicable law. A lawyer may destroy a client's file in accordance with this Rule notwithstanding the possibility that there could be further proceedings after the expiration of the time limits set forth in this Rule (such as a motion for a new trial or for relief from a judgment in light of changes in the law or the discovery of additional evidence), so long as such proceedings are not pending or reasonably anticipated at the time of the destruction.

[8] The lawyer's obligations under this Rule to retain and return files to the client are not excused because the lawyer forwarded papers to the client from time to time during the course of the representation.

[9] Nothing in this Rule is intended to mandate that a lawyer destroy a file. A lawyer appropriately may decide to retain certain types or portions of files, or portions of files for longer than five years, such as files relating to a structured settlement or other matters creating long-term obligations to or by the client. Unless the lawyer and the client have otherwise agreed, a lawyer may retain a copy of the file or any document in the file.

Attorney failed to adequately communicate his hourly rate to client within a reasonable time after commencing representation and failed to provide an invoice to client until the conclusion of the case per the attorney's office policy. Attorney delayed nearly two months before providing the client's new attorney with all client files but did immediately provide the file for the only active case. Rules violated: 1.4, 1.5, 1.15A(b). **Discipline: Private Reprimand.** In determining that a private reprimand was the appropriate sanction, the ROC considered several mitigating factors, including attorney's adoption of several remedial measures to ensure that a similar situation did not occur in the future, including implementing an office policy that invoices are sent to clients on a monthly basis on hourly fee cases and transferring earned funds from the trust account to operating account on a monthly basis. Attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

**Rule 1.16. Declining or Terminating Representation**

**(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:**

**(1) the representation will result in violation of the rules of professional conduct or other law;**

**(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or**

**(3) the lawyer is discharged.**

**(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:**

**(1) withdrawal can be accomplished without material adverse effect on the interests of the client;**

**(2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;**

**(3) the client has used the lawyer's services to perpetrate a crime or fraud;**

**(4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;**

**(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;**

**(6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or**

**(7) other good cause for withdrawal exists.**

**(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.**

**(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.**

Disciplinary proceedings in Utah against Wyoming-licensed attorney resulted in a determination that attorney was involved in numerous incidents of negligent representation of clients, trust account violations, ignoring a subpoena issued by a Utah agency, five DUI arrests in a 10-month period and a plea of guilty to a bad check charge relating to his trust account. As a result, attorney received a lengthy suspension in Utah. Following a reciprocal discipline hearing before the Wyoming Board of Professional Responsibility (BPR) to determine the appropriate sanction for attorney's misconduct, the BPR recommended that attorney be disbarred in Wyoming, Other rules violated: 1.1, 1.3, 1.4, 1.5, 1.15, 8.1, 8.4. **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,912.56 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Johnson*, 428 P.3d 457 (Wyo. 2018).

Attorney entered into a consensual sexual relationship with a divorce client and failed to withdraw from the representation after the sexual relationship began. Attorney also advised client to conceal evidence of the relationship and led client to believe that attorney's personal relationship with the presiding judge would work to client's advantage in the divorce action. Attorney knowingly made a false statement of material fact to Bar Counsel regarding the existence of the sexual relationship after a complaint was filed by client's ex-spouse. Rules violated: 1.7(a), 1.8(j), 1.16(a), 3.4(a), 8.1(a), 8.4(d), 8.4(e). **Discipline: Disbarment.** Attorney ordered to pay administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Knudsen,* 444 P. 3d 72 (Wyo. 2019).

Attorney failed in professional obligations to two insurance company clients. As to one client, attorney failed to remit settlement funds to the insurance company and failed to respond to numerous demands for payment. As to the other client, attorney mishandled the insurance company's representation in ten different matters. The insurance company sued attorney and obtained a substantial default judgment against attorney. Other rules violated: 1.1, 1.2, 1.3, 1.4, 1.5, 1.15, 3.2, 3.4, 8.1 and 8.4. **Discipline: Suspension.** Attorney suspended for five years and ordered to reimburse the Wyoming State Bar for costs of $50 and administrative fee of $500. Before attorney can apply for reinstatement, he must take and pass the bar exam and show evidence of having made restitution to his insurance company client. *Bd. of Prof. Resp. v. Shreve*, 341 P.3d 370 (Wyo. 2014).

Attorney committed professional misconduct in a number of client matters, including violation of attorney's duties of competence, diligence, and maintaining communication with clients. Attorney's neglect in several cases, including his failure to appear at scheduled hearings, led to the assessment of monetary and other sanctions against clients, some of which were paid by attorney personally. In two cases, attorney's clients' cases were dismissed because of Attorney's neglect. In one case, a client paid attorney $500.00 for the cost of a hearing transcript in connection with an appeal but attorney never obtained the transcript. This conduct constituted a violation of attorney's duty to safeguard client property. Other rules violated: Rules 1.1, 1.3, 1.4, 1.15. **Discipline: Suspension.** Attorney suspended for two years. Attorney was ordered to pay $1,075.85 to a former client and to pay $3,750.00 in administrative fees and $5,475.18 in costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn,* 402 P.3d 950 (Wyo. 2017).

Attorney represented a client in a child custody and visitation modification matter. Client paid a $3,000.00 flat fee which the written fee agreement characterized as nonrefundable. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with client, who ultimately terminated attorney's representation. After client discharged attorney, attorney

failed to return the unearned portion of the fee. The Court noted that attorney received a public censure for similar misconduct two years earlier, and determined that the harsher sanction of a 30 suspension was appropriate because the lighter sanction did not deter attorney from repeating the misconduct. Other rules violated: 1.3, 1.4, 1.5. **Discipline: Suspension**. Attorney suspended for 30 days, ordered to refund $1,150.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $3,674.39 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hiatt*, 422 P.3d 940 (Wyo. 2018).

Attorney represented client in a divorce matter. Client paid a $5,000.00 fee at the outset. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with client, who ultimately terminated attorney's representation and retained other counsel. Attorney also charged an unreasonable fee for her work on the case. After the client discharged attorney, attorney failed to return all of the unearned portion of the fee. Other rules violated: 1.3, 1.4, 1.5. **Discipline: Suspension.** Attorney suspended for 30 days, ordered to refund $2,350.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Crawford-Fink*, 430 P.3d 323 (Wyo. 2018).

Attorney represented client in a divorce matter. Client paid a $3,500.00 fee at the outset of the representation. Client ultimately terminated attorney's representation and demanded return of the fee. Attorney failed to return the unearned portion of the fee. Rules violated; 1.5, 1.16. **Discipline: Suspension**. In light of attorney's prior disciplinary history (which included a private reprimand in 2017 and a 120-day suspension in 2018), attorney agreed that a one-year suspension was an appropriate sanction for her conduct. Attorney agreed to return $3,000.00, representing the remaining unearned portion of the fee, to client. Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Crawford-Fink,* 452 P.3d 1285 (Wyo. 2019).

Attorney into a consensual sexual relationship with a client, failed to withdraw from the client's representation promptly upon entering into the sexual relationship and advised the client to conceal evidence of the relationship. Rules violated: 1.7(a), 1.8(j) and 1.16(a). **Discipline: Suspension.** Attorney agreed to an 18-month suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. In consideration of a number of aggravating and mitigating factors, including attorney's sustained and successful efforts at recovery from alcohol use disorder and other psychological problems, the review panel approved the stipulated, eighteen-month suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jerabek*, 519 P.3d 309 (Wyo. 2022).

Attorney represented a client in a child custody and visitation modification matter. Client paid a $5,000.00 flat fee at the outset. Attorney neglected to pursue the matter diligently and failed to maintain adequate communication with client, who ultimately terminated attorney's representation and retained other counsel. After client discharged attorney, attorney failed to return the unearned portion of the fee and failed to cooperate with client and his new counsel in transferring the file. Attorney agreed to return $3,000.00, representing the unearned portion of the fee, to client. Other rules violated: 1.3, 1.4. **Discipline: Public Censure**. Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hiatt*, 382 P.3d 778 (Wyo. 2016).

Attorney represented client in a criminal action and was hired to file for divorce on behalf of the client. Attorney delayed filing a divorce action for several months despite client's repeated requests regarding the status of the case and inquiring as to whether her husband had been served with the divorce papers. Approximately nine months later, the divorce action had not been filed and client informed Attorney that she was terminating Attorney's representation in all actions. Upon termination, Attorney filed a motion to withdraw from the criminal case. The motion to withdraw revealed a significant amount of confidential and harmful information that was neither required nor necessary for the withdrawal. Following commencement of a disciplinary investigation by the Office of Bar Counsel, Attorney admitted that the failure to file the divorce complaint violated Rule 1.3 (diligence). Attorney further admitted that the information stated in the motion to withdraw was confidential information related to the representation of the client which was harmful or potentially harmful to the client; as such, she violated Rules 1.6 and 1.16(d). Rules violated: 1.3, 1.6, 1.16(d). **Discipline: Public censure.** In approving the stipulation of Attorney and Deputy Bar Counsel for a public censure as the appropriate sanction for Attorney's misconduct, the Court ordered Attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Craven*, 524 P.3d 220 (Wyo. 2023).

**Rule 1.17. Sale of Law Practice**

**A lawyer or a law firm may sell or purchase a law practice, or an area of law practice, including good will, if the following conditions are satisfied:**
**(a) The seller ceases to engage in the private practice of law, or in the area of practice that has been sold, in the geographic area in which the practice has been conducted;**
**(b) The entire practice, or the entire area of practice, is sold to one or more lawyers or law firms;**

**(c) The seller gives written notice to each of the seller's clients regarding:**
**(1) the proposed sale;**
**(2) the client's right to retain other counsel or to take possession of the file; and**
**(3) the fact that the client's consent to the transfer of the client's files will be presumed if the client does not take any action or does not otherwise object within ninety (90) days of receipt of the notice.**
**If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The seller may disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of a file.**

**(d) The fees charged clients shall not be increased by reason of the sale.**

**Rule 1.18. Duties to Prospective Client**

**(a) A person who consults with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.**
**(b) Even when no client-lawyer relationship ensues, a lawyer who has ~~a~~ learned information from a prospective client shall not use or reveal that information except as Rule 1.9 would permit with respect to information of a former client.**

**(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).**

**(d) When the lawyer has received disqualifying information as defined in paragraph (c), representation is permissible if:**

**(1) both the affected client and the prospective client given informed consent, confirmed in a writing signed by; or**

**(2) the lawyer who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and**

**(i) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and**

**(ii) written notice is promptly given to the prospective client.**

Attorney held an initial consultation with a potential divorce client and then entered an appearance after another attorney withdrew in the divorce case on behalf of the potential client's spouse. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay cost in the amount of $50 and an administrative fee of $500.

## COUNSELOR

### Rule 2.1. Advisor

**In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.**

### Rule 2.2. Intermediary [repealed]

Attorney acted as an intermediary for two adverse parties without obtaining a written consent from either. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay costs in the amount of $50 and the administrative fee of $500. *[Note: This reprimand applied the former Rule 2.2, since repealed.]*

### Rule 2.3. Evaluation for Use by Third Persons

**(a) A lawyer may provide an evaluation of a matter affecting a client for the use of someone other than the client if the lawyer reasonably believes that making the evaluation is compatible with other aspects of the lawyer's relationship with the client.**

**(b) When the lawyer knows or reasonably should know that the evaluation is likely to affect the client's interests materially and adversely, the lawyer shall not provide the evaluation unless the client gives informed consent.**
**(c) Except as disclosure is authorized in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by Rule 1.6.**

**Rule 2.4. Lawyer Serving as Third-Party Neutral**

**(a) A lawyer serves as a third-party neutral when the lawyer assists two or more persons who are not clients of the lawyer to reach a resolution of a dispute or other matter that has arisen between them. Service as a third-party neutral may include service as an arbitrator, a mediator or in such other capacity as will enable the lawyer to assist the parties to resolve the matter.**
**(b) A lawyer serving as a third-party neutral shall inform unrepresented parties that the lawyer is not representing them. When the lawyer knows or reasonably should know that a party does not understand the lawyer's role in the matter, the lawyer shall explain the difference between the lawyer's role as a third-party neutral as opposed to a lawyer's role as one who represents a client.**

**ADVOCATE**

**Rule 3.1. Meritorious Claims and Contentions**

**(a) A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.**
**(b) The signature of an attorney constitutes a certificate by him that he has read the pleading, motion, or other court document; that to the best of his knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.**

Attorney made fraudulent charges totaling $762.85 to the debit card of a deceased friend. Attorney also acted as the attorney for the personal representative of the deceased friend's estate and attempted to collect an unreasonable fee in the probate proceeding. Other rules violated: 1.5, 1.15, 8.4(b), 8.4(c), 8.4(d). **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,698.25 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Mears*, 439 P.3d 1077 (Wyo. 2019).

Attorney filed a lawsuit in federal court. After filing the lawsuit, Attorney had no further contact with his clients despite repeated calls and emails to him and took no further action in the case

although he did not withdraw as the attorney of record. Shortly after the lawsuit was filed, the United States Supreme Court issued an opinion directly addressing the subject matter of the lawsuit. Opposing counsel wrote a letter to Attorney demanding that he voluntarily dismiss the lawsuit. Attorney did not respond to the letter and did not dismiss the lawsuit. Opposing counsel filed a motion to dismiss and a motion for sanctions. Attorney did not respond to either motion, virtually guaranteeing that the lawsuit would be dismissed, and did not communicate with his clients regarding the motions. After granting the motion to dismiss, the federal court issued an Order to Show Cause to Beduhn, to which he did not respond. The federal court ordered Beduhn to personally pay the opposing parties' attorneys' fees.

Two complaints were filed with the Office of Bar Counsel regarding Attorney's conduct. Attorney did not respond to either complaint despite repeated requests. Attorney did not respond to the formal disciplinary charge that followed. Rules violated: 1.1 (competence), 1.3 (diligence), 1.4 (communication), 3.1 (meritorious claims and contentions), 3.3 (candor toward the tribunal), 3.4 (fairness to opposing counsel), 8.1 (bar admission and disciplinary matters), and 8.4(d) (conduct prejudicial to the administration of justice). **Discipline: Disbarment.** Attorney was ordered to pay $1,435.14 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn*, 552 P.3d 371 (Wyo. 2024).

Attorney filed a suit against a defendant that had no merit. Other rules violated: Rules 1.1, 1.2 1.4, 1.15,4.2, 8.4. **Discipline: Suspension.** Attorney suspended for three years. *Bd. of Prof. Resp. v. Fulton*, 133 P.3d 514 (Wyo. 2006).

Attorney represented two homeowners in a construction dispute with a contractor. Attorney charged more than $300,000 in attorneys' fees and expenses only to have the case dismissed for "blatant and egregious" failure to comply with numerous discovery orders in the case. In finding that attorney's conduct violated Rules 3.1 (meritorious claims and contentions), 3.2 (expediting litigation) and 3.4 (fairness to opposing party and counsel), the Board of Professional Responsibility noted that as a result of attorney's misconduct, the parties were exposed to unnecessary expense and delays, and their attorneys were forced to put in substantial time with resulting higher legal fees in enforcing compliance with the discovery rules. The Board also concluded attorney's clients suffered because their claims were dismissed with prejudice and they incurred substantial attorney fees and costs. **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney's client, the prime contractor hired to perform an environmental impact assessment on a wind turbine project, was sued by a subcontractor to collect for consulting services rendered on the project. Following a jury verdict in favor of the subcontractor, the subcontractor moved for sanctions for repeated discovery violations by attorney's client. The court granted the motion, describing the pattern of discovery misconduct as "willful" and assessing more than $58,000 in sanctions against attorney's client. Hearing this evidence, the Board of Professional Responsibility found that attorney's conduct violated Rules 3.1, 3.2, 3.3 (candor to the tribunal), 3.4, 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and 8.4(d) (conduct prejudicial to

the administration of justice). The Board concluded that attorney's conduct resulted in unnecessary expense and delay and attorney's client incurred over $250,000 in fees and expenses. **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented the custodial parent, the mother, in a child custody and visitation dispute. Attorney filed a petition to suspend the father's visitation rights alleging, "A licensed professional counselor believes that [the father] has behaved in an abusive fashion towards the parties' minor children." Attorney prepared an affidavit for the licensed professional counselor which indicated that the counselor had interviewed the children and expressed the opinion that the father's behavior towards the children "creates concerns" that the father "is abusive to the children both emotionally and physically." At the hearing on the petition, the counselor testified that he had not seen the children in a professional capacity in eight years, that he performed no evaluation of the children and that contrary to his affidavit he had not interviewed the children. The counselor's testimony was ruled inadmissible by the court. The Board of Professional Responsibility found that attorney's conduct in the case violated Rules 3.1, 8.4(c) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented the plaintiff in a civil rights action. In a lengthy motion ruling, attorney was chastised by the court for her "ongoing failure" to adhere to deadlines, filing motions late, filing a brief in rough draft form shortly before midnight on its due date and later seeking to correct deficiencies in a supplemental filing, and asking for extensions of already-extended deadlines. The court, noting the difficulties presented to the defendants who are faced with reading, comparing, and preparing to respond to multiple versions of the same brief and the difficulties presented to defense counsel in responding to Plaintiffs' moving-target opposition," held, "This practice illustrates a troubling and unmistakable pattern in [attorney's] approach to briefing." Upon review of the judge's decision, the Board of Professional Responsibility found that attorney's conduct violated Rules 3.1, 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney agreed to represent an out-of-state personal representative in the probate of the estate and agreed to serve as co-personal representative. Attorney failed to perform his duties in a timely, competent manner. Following a hearing, the Board of Professional Responsibility found that attorney violated several Rules of Professional Conduct in his handling of a probate matter. Other rules violated: 1.1, 1.3, 1.4, 1.15, 3.3. **Discipline: Suspension**. Attorney suspended for 90 days

and ordered to reimburse the Wyoming State Bar for costs in the amount of $5,831.92 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Bagley*, 327 P.3d 721 (Wyo. 2013).

Attorney represented a company that had been sued for damages and failed to disclose information related to insurance for his client as mandated by the initial disclosure requirements of the Wyoming Rules of Civil Procedure. Attorney misled opposing counsel into believing there was no insurance, and did not disclose the existence of insurance until after the settlement (which was paid by insurance). Attorney violated Rule 3.1(c). Other rules violated: Rules 3.4, 8.4(a)(c)(d). **Discipline: Public Censure.** Attorney publicly censured and required to pay $7445.90 in costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Stith*, 262 P.3d 847 (Wyo. 2011).

Attorney, representing the defendant in a defamation action, filed an answer and counterclaim which included allegations made in bad faith for the purpose of embarrassing and harassing the plaintiff. **Discipline: Public Censure.** Attorney publicly censured and required to pay $15,631.76 in costs and an administrative fee of $500.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Stinson*, 337 P.3d 401 (Wyo. 2014).

Attorney, who was licensed to practice in Arizona as well as Wyoming, represented a respondent in disciplinary proceedings before the Arizona State Bar. Attorney's client was disbarred by the Arizona Supreme Court. While he was representing the client in the disciplinary proceeding, attorney filed a civil lawsuit on behalf of client and others against numerous government officials and a law firm in Phoenix, Arizona. The claims against the law firm and two of its partners were dismissed as frivolous and attorney was ordered to reimburse those defendants more than $185,000 in legal fees and costs. At the time the Wyoming Supreme Court issued its order of public censure of attorney, attorney was appealing that order to the Arizona Supreme Court.

After the client's disbarment, the Arizona State Bar pursued disciplinary action against attorney, alleging that the claims he filed against the Phoenix law firm lacked any factual or legal basis as well as other violations of the rules of professional conduct. Rather than fight the disciplinary charges, attorney consented to disbarment in Arizona and notified the state bars and federal courts in Wyoming, Montana and Utah of his Arizona disbarment.

In Wyoming, upon notification that a member of the Wyoming State Bar has been disciplined in another jurisdiction, Bar Counsel is required to investigate the matter and make a recommendation to the Board of Professional Responsibility as to appropriate discipline. In attorney's case, Bar Counsel conducted a thorough review of the Arizona disciplinary proceedings and concluded that disbarment was not warranted. Rather, consistent with prior Wyoming precedent in which a lawyer was found to have filed a lawsuit lacking factual or legal basis in violation of Rule 3.1, a public censure was appropriate.

Upon review of Bar Counsel's recommendation for a public censure and noting no objection from attorney, the Board of Professional Responsibility forwarded the recommendation to the Wyoming Supreme Court. **Discipline: Public Censure**. Attorney publicly censured and required to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Moriarity*, 345 P.3d 51 (Wyo. 2015).

A disciplinary complaint against attorney was submitted to the Office of Bar Counsel by a couple whose LLC was sued by attorney. The lawsuit related to a start-up business that operated a workout facility modeled on the Ninja Warrior television series. Two LLCs partnered to operate the gym via a third LLC in which the two member LLCs owned equal shares. Attorney sued on behalf of one of the member LLCs seeking various relief against the other member LLC and the LLC that operated the gym. Although the complaint was styled as something akin to a derivative action, attorney did not comply with statutory prerequisites to bring a derivative action. The district court granted opposing counsel's motion to disqualify attorney based upon a conflict of interest. Thereafter, the court granted the defendants' motion to dismiss the lawsuit, holding that attorney's complaint failed to state a claim because it was not pled in compliance with statutory prerequisites to bring a derivative action.

Once the underlying litigation resolved, the Office of Bar Counsel proceeded with investigation of the disciplinary complaint and concluded that there was clear and convincing evidence that attorney violated Rule 1.7 (concurrent client conflict of interest), Rule 3.1 (asserting a claim lacking factual or legal basis) and Rule 8.4(d) (conduct prejudicial to the administration of justice) of the Wyoming Rules of Professional Conduct. The matter proceeded to a hearing before the Board of Professional Responsibility, with the hearing panel finding that attorney violated Rule 1.7 and Rule 3.1 but not Rule 8.4(d). The hearing panel submitted a report of its findings to the Wyoming Supreme Court along with a recommendation for issuance of a public censure to attorney.

**Discipline: Public Censure.** In approving and adopting the BPR's report and recommendation, the Court ordered attorney to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Woodhouse*, 512 P.3d 960 (Wyo. 2022).

Attorney failed to investigate the liability aspects of a case before or shortly after filing the complaint. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay actual costs of $15.28 and an administrative fee of $500**.**

Attorney was negligent in handling appeal of two criminal matters in district court. Other rule violated: Rule 3.3. **Discipline: Private Reprimand.** Attorney ordered to sit for and obtain a passing score on the Multistate Professional Responsibility Examination. Attorney ordered to pay an administrative fee of $750 and costs of $50 to the Wyoming State Bar.

Attorney was reprimanded and sanctioned by a judge for making a negligent but material misrepresentation in a pleading submitted to the court. Rules violated: 3.1(b), 8.4(d). **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney represented a client in post-divorce proceedings stemming from the client's failure to pay an equalization payment to his ex-spouse as ordered by the parties' stipulated decree of divorce. In response to a motion for order to show cause filed on behalf of the ex-spouse, attorney asserted that the equalization payment obligation had been satisfied by a payment made by the client four months before the divorce decree. Following the hearing, the court issued an order of contempt finding that attorney and client were both well aware of the required payment and that the client was dishonest in his testimony at the hearing. **Discipline: Private Reprimand.** Attorney admitted

that she violated Rule 3.1(a) in her representation of the client. The Review and Oversight Committee approved the stipulation for a private reprimand and ordered attorney to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

**Rule 3.2. Expediting Litigation**

**A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.**

Attorney lied to clients about the status of their cases, fabricated court documents and mishandled trust account funds belonging to the client as well as failing to respond to inquiries by the Wyoming State Bar's Office of Bar Counsel regarding her conduct. Rules violated: 1.3, 1.4, 3.2, 8.1, 8.4(b), (c) and (d). **Discipline: Disbarment.** In approving the stipulation of attorney and Bar Counsel for disbarment as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $1,500.00 and costs of $100.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Mathey*, 480 P.3d 1184 (Wyo. 2021).

Attorney failed to appear at an Order to Show Cause hearing in regard to an allegation he had failed to provide discovery that had been due. Attorney had a family emergency but did not contact the Court or opposing counsel prior to that hearing. Attorney also missed a scheduling conference in a civil matter for the same reason. Attorney failed to move the litigation forward, diligently pursue the matter, and properly communicate with his client. Other rules violated: Rules 1.4 3.2, 3.4. **Discipline: Suspension**. Attorney suspended for two months. Attorney required to pay $250 prosecution costs of the Wyoming State Bar and administrative fees for the four cases of $2000. *Bd. of Prof. Resp. v. Cannon,* 189 P.3d 857 (Wyo. 2008).

Attorney filed a complaint on client's behalf but failed to pursue the matter with reasonable diligence. Attorney misled client as to progress on the case, including preparing a surreptitious answer and providing a copy to the client, representing that another law firm was defending the case when in fact that defendant had not been served with the complaint. Other rules violated: Rules 1.1, 1.3, 1.4 and 8.4(c). **Discipline: Suspension**. Attorney suspended for five years and ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Benham*, 283 P.3d 452 (Wyo. 2012).

Attorney represented two homeowners in a construction dispute with a contractor. Attorney charged more than $300,000 in attorneys' fees and expenses only to have the case dismissed for "blatant and egregious" failure to comply with numerous discovery orders in the case. In finding that attorney's conduct violated Rules 3.1 (meritorious claims and contentions), 3.2 (expediting litigation) and 3.4 (fairness to opposing party and counsel), the Board of Professional Responsibility noted that as a result of attorney's misconduct, the parties were exposed to unnecessary expense and delays, and their attorneys were forced to put in substantial time with resulting higher legal fees in enforcing compliance with the discovery rules. The Board also concluded attorney's clients suffered because their claims were dismissed with prejudice and they incurred substantial attorney fees and costs. **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years

and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney's client, the prime contractor hired to perform an environmental impact assessment on a wind turbine project, was sued by a subcontractor to collect for consulting services rendered on the project. Following a jury verdict in favor of the subcontractor, the subcontractor moved for sanctions for repeated discovery violations by attorney's client. The court granted the motion, describing the pattern of discovery misconduct as "willful" and assessing more than $58,000 in sanctions against attorney's client. Hearing this evidence, the Board of Professional Responsibility found that attorney's conduct violated Rules 3.1, 3.2, 3.3 (candor to the tribunal), 3.4, 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and 8.4(d) (conduct prejudicial to the administration of justice). The Board concluded that attorney's conduct resulted in unnecessary expense and delay and attorney's client incurred over $250,000 in fees and expenses. **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented a limited liability company that undertook to construct three custom homes. Attorney's client was sued by a subcontractor who claimed to be owed money for work performed on one of the houses. Attorney filed an answer and counterclaim on behalf of the contractor, asserting that the subcontractor had breached its contractual obligations and seeking unspecified damages. After years of litigation for which attorney charged her client more than $125,000, summary judgment was entered in favor of the subcontractor in the amount of $441,000. In a subsequent decision dismissing the counterclaim attorney had filed, the court noted that it had made, without success, "a continual and repeated effort in pretrial conferences (note the plural) and summary judgment motions to get the Defendant to simplify the issues by stating exactly what is being claimed and on what legal theory it relies." The Board of Professional Responsibility found that attorney's conduct in the case violated Rules 3.2, 3.3, 3.4, 8.4(c) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented the builder in a dispute between the builder and a homeowner over the cost of construction of a house. Attorney delayed and obstructed the litigation, including unreasonably delaying discovery and obstructing a court-ordered computer inspection. Attorney's conduct forced opposing counsel to file repeated motions to compel. Attorney disobeyed court orders to produce information. The Board of Professional Responsibility found that attorney's conduct in the case violated Rules 3.2, 3.4 and 8.4(c). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of

$41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney failed in professional obligations to two insurance company clients. As to one client, attorney failed to remit settlement funds to the insurance company and failed to respond to numerous demands for payment. As to the other client, attorney mishandled the insurance company's representation in ten different matters. The insurance company sued attorney and obtained a substantial default judgment against attorney. Other rules violated: 1.1, 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 3.4, 8.1 and 8.4. **Discipline: Suspension.** Attorney suspended for five years and ordered to reimburse the Wyoming State Bar for costs of $50 and administrative fee of $500. Before attorney can apply for reinstatement, he must take and pass the bar exam and show evidence of having made restitution to his insurance company client. *Bd. of Prof. Resp. v. Shreve*, 341 P.3d 370 (Wyo. 2014).

Attorney represented a client in proceedings to establish paternity, custody, visitation and child support regarding the client's young daughter. Due to attorney's lack of diligence, the resolution of the paternity action was delayed by more than three years and attorney's client was unable to have contact with his daughter for more than two years. Other rules violated: 1.3, 1.4. **Discipline: Suspension.** Attorney suspended for 30 days and ordered to reimburse the Wyoming State Bar for costs of $$6,221.54 and administrative fee of $750. *Bd. of Prof. Resp. v. Tolin*, 436 P.3d 453 (Wyo. 2019).

Attorney was hired to represent Wife in a divorce proceeding and paid attorney a non-refundable "availability retainer" of $5,000.00. The "availability retainer" was not a flat fee; attorney's representation agreement stated that Wife was responsible for fees incurred after the $5,000.00 was exhausted. Wife's husband filed for divorce and Wife expressed repeated requests that marital assets should be preserved and expressed concerns about the depletion of marital assets by Husband. Despite Wife's repeated directives to exchange initial disclosures and commence discovery, attorney never did so nor did attorney request an accounting from husband. Attorney otherwise failed to respond from numerous inquiries from Wife. Wife ultimately terminated attorney's representation and retained other counsel.

As soon as attorney's representation was terminated, Wife made repeated requests for an invoice reflecting the time spent on the case and requested a refund of funds not utilized, which she never received. During the fourteen months attorney represented Wife, he never sent an invoice, even after expressly requested, and did not communicate that Wife's "availability retainer" had purportedly been exhausted.

Wife submitted a complaint to the Office of Bar Counsel (OBC). Attorney failed to comply with numerous requests for information from OBC, resulting in OBC's filing a petition for attorney's immediate suspension with the Wyoming Supreme Court. Attorney was suspended but reinstated after he began cooperating with OBC. OBC's investigation continued until attorney stipulated that there was clear and convincing evidence of professional misconduct in the case, including attorney's failure to comply with Wife's directives concerning her divorce; failure to proceed diligently; failure to maintain adequate communication with client; billing abuses; failure to expedite litigation; failure to comply with court rules and failure to cooperate with a disciplinary investigation. The parties stipulated that in addition to violation of numerous Rules of Professional Conduct,

the following aggravating factors were present: (1) prior disciplinary record; (2) pattern of misconduct; (3) multiple offenses; (4) bad faith obstruction of the disciplinary proceeding by intentionally failing to cooperate with the OBC's investigation; (5) submission of false evidence, false statements, or other deceptive practices during the disciplinary process; (6) refusal to acknowledge wrongful nature of conduct; and (7) substantial experience in the practice of law. There were no mitigating factors present.

Rules violated: 1.2, 1.3, 1.4, 1.5, 3.2, 3.4, 8.1. **Discipline: Suspension.** Attorney stipulated to a three-year suspension from the practice of law. The stipulation was considered and approved by a review panel of the Board of Professional Responsibility and recommended to the Court. In approving the recommendation of the Board of Professional Conduct's recommendation of a three-year suspension as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. Attorney was also required to refund $1500.00 to Wife. *Bd. of Prof. Resp. v. Tolin*, 501 P.3d 1232 (Wyo. 2022).

Following defendant's conviction at trial of sexual assault, the Wyoming Supreme Court reversed, finding broad-ranging misconduct by the prosecutor and abuse of discretion by the trial judge. On remand, prosecutor continued to display a lack of diligence and failed to comply with various court orders, resulting in prosecutor being removed from the case. In disciplinary proceedings that followed the resolution of the underlying criminal matter, a hearing panel of the Board of Professional Responsibility found that the prosecutor had violated a number of rules of professional conduct and recommended disbarment. In a 3-2 decision, the Wyoming Supreme Court agreed prosecutor violated several rules but held that other violations found by the BPR were not supported by clear and convincing evidence. The majority held that the lesser sanction of a suspension was warranted. Rules violated: 1.3, 3.2, 3.4 and 8.4(d). **Discipline: Suspension.** Attorney suspended from the practice of law for three years and ordered to pay administrative fees in the amount of $750.00 and costs of $29,827.09 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hinckley*, 503 P.3d 584 (Wyo. 2022).

Attorney failed to comply with a settlement agreement entered in November 2019 in which the parties agreed to a 12' wide easement. Throughout the case, opposing counsel tried without success to communicate with attorney, who was nonresponsive or did not take action required to comply with the agreement, requiring opposing counsel to perform work attorney had been ordered to do. The result was two motions to enforce the settlement agreement, two motions for order to show cause, and requests for monetary sanctions against attorney's client, all of which were granted. The settlement agreement was finally complied with in April 2023. Opposing counsel and the court were required to expend great resources to enforce an agreement to which neither party objected but was not completed due to attorney's dilatory conduct. Rules violated: 1.3, 3.2, 3.4(c) and 8.4(d). **Discipline: Suspension.** The parties' stipulation for a 90-day suspension of attorney's license to practice law was approved by the BPR and was submitted to the Wyoming Supreme Court. In adopting the BPR's recommendation for a 90-day suspension, the Court ordered attorney to pay an administrative fee of $750.00 and costs in the amount of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hoard,* 565 P.3d 953 (Wyo. 2025).

Attorney represented a client in proceedings for modification of visitation and child support. When matter had not resolved after nearly 18 months, client terminated attorney's services and submitted a complaint to the Office of Bar Counsel. **Discipline: Private Reprimand.** Other rules violated: 1.3, 1,4. Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

**Rule 3.3. Candor Toward the Tribunal**

**(a) A lawyer shall not knowingly:**

**(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;**

**(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or**

**(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.**

**(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.**

**(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.**

**(d) In an *ex parte* proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.**

Elected district attorney violated her duties of competence and diligence in numerous matters. Attorney also made misrepresentations to courts and to disciplinary counsel and failed to comply with court rules and directives. In numerous instances, attorney engaged in conduct prejudicial to the administration of justice. In finding that attorney's conduct warranted disbarment, the Court identified how attorney's conduct negatively impacted the public's perception of the criminal justice system when she placed blame on law enforcement for her own shortcomings and endeavored to circumvent public knowledge of her failures through false statements to the public and to disciplinary counsel. Similarly, attorney's failure to accept responsibility for her office's errors and her false statements placing blame on the courts reflected negatively on the judicial branch and conceivably engendered disrespect and a lack of public confidence in the courts. In addition, attorney's mass dismissal of hundreds of cases based on her mismanagement of the caseload and services of her office constituted conduct prejudicial to the administration of justice. The Court held attorney's actions were "a complete refusal to perform the duties imposed on her as the District Attorney." Rules violated: 1.1, 1.3, 3.3(a), 3.4(c), 8.1(a), 8.4(d). **Discipline: Disbarment.** Attorney was ordered to pay costs and administrative fees in the amount of $32,410.21 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Manlove*, 527 P.3d 186 (Wyo. 2023).

Attorney converted funds properly belonging to a guardianship/conservatorship to her own benefit, thereby breaching her fiduciary duty to the guardianship/conservatorship. In another case in which the attorney served as the lawyer for the estate of an elderly female client from whom the attorney had received hundreds of thousands of dollars, the attorney committed a theft of funds from the estate in violation of a court order for distribution of the estate. In so doing, the attorney defrauded the beneficiary of the estate, Wyoming Community Foundation, of substantial funds which should have been paid to the foundation. Rules violated: 1.15, 3.3, 3.4(c), 8.4(c). **Discipline: Disbarment**. In its order of disbarment, the Court directed the attorney to pay restitution in the amount of $40,000.00 to Wyoming Community Foundation and to pay $4,128.99 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hanson*, 539 P.3d 391 (Wyo. 2023).

Attorney filed a lawsuit in federal court. After filing the lawsuit, Attorney had no further contact with his clients despite repeated calls and emails to him and took no further action in the case although he did not withdraw as the attorney of record. Shortly after the lawsuit was filed, the United States Supreme Court issued an opinion directly addressing the subject matter of the lawsuit. Opposing counsel wrote a letter to Attorney demanding that he voluntarily dismiss the lawsuit. Attorney did not respond to the letter and did not dismiss the lawsuit. Opposing counsel filed a motion to dismiss and a motion for sanctions. Attorney did not respond to either motion, virtually guaranteeing that the lawsuit would be dismissed, and did not communicate with his clients regarding the motions. After granting the motion to dismiss, the federal court issued an Order to Show Cause to Beduhn, to which he did not respond. The federal court ordered Beduhn to personally pay the opposing parties' attorneys' fees.

Two complaints were filed with the Office of Bar Counsel regarding Attorney's conduct. Attorney did not respond to either complaint despite repeated requests. Attorney did not respond to the formal disciplinary charge that followed. Rules violated: 1.1 (competence), 1.3 (diligence), 1.4 (communication), 3.1 (meritorious claims and contentions), 3.3 (candor toward the tribunal), 3.4 (fairness to opposing counsel), 8.1 (bar admission and disciplinary matters), and 8.4(d) (conduct prejudicial to the administration of justice). **Discipline: Disbarment.** Attorney was ordered to pay $1,435.14 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn*, 552 P.3d 371 (Wyo. 2024).

Attorney represented one of the parties to a divorce action, and submitted an order dividing the parties' retirement funds to the court for filing without informing opposing counsel that she had done so. Attorney violated Rule 3.3(a)(1). Other rules violated: Rules 3.4(c), 8.4(a)(d). **Discipline: Suspension**. Attorney suspended for 30 days. Attorney required to pay the amount of $50 representing the costs for handling this matter as well as an administrative fee of $500. *Bd. of Prof. Resp. v. Dunn,* 272 P.3d 941 (Wyo. 2012).

Attorney agreed to represent an out-of-state personal representative in the probate of the estate and agreed to serve as co-personal representative. Attorney failed to perform his duties in a timely, competent manner. Following a hearing, the Board of Professional Responsibility found that attorney violated several Rules of Professional Conduct in his handling of a probate matter. Other rules violated: 1.1, 1.3, 1.4, 1.15, 3.1(c). **Discipline: Suspension**. Attorney suspended for 90 days

and ordered to reimburse the Wyoming State Bar for costs in the amount of $5,831.92 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Bagley*, 327 P.3d 721 (Wyo. 2013).

Attorney's client, the prime contractor hired to perform an environmental impact assessment on a wind turbine project, was sued by a subcontractor to collect for consulting services rendered on the project. Following a jury verdict in favor of the subcontractor, the subcontractor moved for sanctions for repeated discovery violations by attorney's client. The court granted the motion, describing the pattern of discovery misconduct as "willful" and assessing more than $58,000 in sanctions against attorney's client. Hearing this evidence, the Board of Professional Responsibility found that attorney's conduct violated Rules 3.1, 3.2, 3.3 (candor to the tribunal), 3.4, 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and 8.4(d) (conduct prejudicial to the administration of justice). The Board concluded that attorney's conduct resulted in unnecessary expense and delay and attorney's client incurred over $250,000 in fees and expenses. **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented a limited liability company that undertook to construct three custom homes. Attorney's client was sued by a subcontractor who claimed to be owed money for work performed on one of the houses. Attorney filed an answer and counterclaim on behalf of the contractor, asserting that the subcontractor had breached its contractual obligations and seeking unspecified damages. After years of litigation for which attorney charged her client more than $125,000, summary judgment was entered in favor of the subcontractor in the amount of $441,000. In a subsequent decision dismissing the counterclaim attorney had filed, the court noted that it had made, without success, "a continual and repeated effort in pretrial conferences (note the plural) and summary judgment motions to get the Defendant to simplify the issues by stating exactly what is being claimed and on what legal theory it relies." The Board of Professional Responsibility found that attorney's conduct in the case violated Rules 3.2, 3.3, 3.4, 8.4(c) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

In 2007, attorney purchased a residential lot from a local couple for whom he performed occasional legal work both before and after the lot purchase. There were initial discussions about attorney having the couple build a custom home for him on the lot, but no agreement was reached and attorney ultimately purchased another residence but retained ownership of the lot. After their attorney-client relationship with attorney terminated, the couple complained to the city about the condition of attorney's lot, which was adjacent to the couple's home. In 2010, the city sent an abatement order to attorney which required him to remove the weeds on the lot within 15 days. The couple made further complaints in 2011, which resulted in a communication between attorney and an attorney for the city about the condition of the lot.

The day after attorney's conversation with the attorney for the city, attorney filed a lawsuit against the couple in district court. The lawsuit was brought in the name of a limited liability company, New Dehli Trading Co., created by attorney shortly before the suit was filed, to which attorney had conveyed ownership of the lot. In the lawsuit, attorney alleged that the couple had defrauded him in the sale of the lot, having assured him that a residence would be built on the property for $400,000.00 or less. The lawsuit sought recovery of actual and punitive damages.

The New Dehli lawsuit was ultimately dismissed for lack of prosecution in 2014, following which the couple filed a grievance against attorney with the Office of Bar Counsel. Following investigation, Bar Counsel filed a formal charge alleging that attorney had violated numerous Rules of Professional Conduct in filing and maintaining the lawsuit. Following a weeklong disciplinary hearing, the BPR found clear and convincing evidence that attorney had violated **Rule 3.3(a)** by making numerous false statements to the court in the New Dehli lawsuit, and further by offering evidence to the BPR that attorney knew to be false. The BPR also found that attorney violated Rules 3.4(c) and (d) in his conduct in the litigation, and that he violated Rule 4.4(a) by using means that had no substantial purpose other than to embarrass, delay or burden the couple against whom he brought the lawsuit. The BPR found that the New Dehli lawsuit was filed in retaliation against attorney's former clients for their repeated complaints to the city regarding attorney's failure to maintain the lot, and should never have been filed. The BPR also found that attorney violated Rule 8.4(c) by engaging in conduct involving dishonesty, fraud, deceit or misrepresentation to the court, the couple and various attorneys hired by the couple to represent them in the New Dehli lawsuit. Finally, the BPR found that attorney violated Rule 8.4(d) by engaging in conduct prejudicial to the administration of justice. **Discipline: Suspension.** Attorney suspended for nine months, ordered to make restitution to his former clients in the amount of $11,641.17, to pay costs of the disciplinary proceedings in the amount of $25,247.99, and to pay an administrative fee of $500.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Stinson*, 370 P.3d 72 (Wyo. 2016).

Attorney represented client in a contract dispute. Client, a landscaping contractor, claimed that it was owed approximately $35,000 for work on a residential construction project. Attorney filed a lawsuit on behalf of the landscaping contractor against the homeowners seeking recovery of that amount. Homeowners filed a counterclaim against the landscaping contractor and a third-party claim against its owner. The lawsuit was eventually settled, with the landscaping contractor and its insurer paying $55,000 to the homeowners. Other rules violated: 1.4, 1.5, 3.4(c), 8.4(d). **Discipline: Suspension.** Attorney suspended for 90 days, ordered to refund $2,350.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Crawford-Fink*, 430 P.3d 323 (Wyo. 2018).

Attorney represented a client who was sued following a fire at the client's place of business that resulted in damage to an adjoining business. Attorney failed to maintain communication with his client and with the client's insurer and missed several deadlines in the case, including deadlines to file responses to two critical motions. Attorney misled the insurance company regarding case developments and failed to communicate settlement offers to the client and the insurer. Attorney was eventually terminated and replacement counsel was hired, who shortly got the case settled. Rules violated: 1.2, 1.3, 1.4, 3.3, 4.1, 8.4(c). **Discipline: Suspension.** Attorney agreed to a three-year suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. In consideration of a number of aggravating and mitigating factors, including attorney's sustained and successful efforts at recovery from alcohol use disorder and other

psychological problems, the review panel approved the stipulated, three-year suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jerabek*, 519 P.3d 309 (Wyo. 2022).

Attorney improperly disclosed confidential client information in court filings and misrepresented facts to the court in litigation involving Attorney's client. Rules violated: 1.6, 3.3. **Discipline: Suspension.** In approving the Board of Professional Responsibility's recommendation for a 60-day suspension, the Court ordered Attorney to pay an administrative fee of $750.00 and to reimburse the Wyoming State Bar for $4,316.06 in costs associated with the disciplinary proceeding. *Bd. of Prof. Resp. v. Austin*, 538 P.3d 653 (Wyo. 2023).

In a criminal appeal, attorney filed a brief that misrepresented the testimony of an important witness. When the misrepresentations were brought to the Wyoming Supreme Court's attention, the Court sanctioned attorney $500 and ordered him to file a corrected brief. Following investigation of the matter by Bar Counsel a disciplinary hearing was held before the Board of Professional Responsibility (BPR). The BPR determined that attorney's conduct violated Rule 3.3 (duty of candor toward the tribunal), Rule 5.3 (responsibilities regarding nonlawyer assistants), Rule 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and Rule 8.4(d) (conduct prejudicial to the administration of justice). **Discipline: Public Censure.** Attorney was ordered to pay an administrative fee of $500 and costs in the amount of $1,827.72 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Custis*, 348 P.3d 823 (Wyo. 2015).

Prosecuting attorney brought charges against a pair of hemp farmers, a construction contractor, and the contractor's wife, whom attorney alleged were engaged in a conspiracy to manufacture, deliver, or possess marijuana; possession of marijuana with intent to deliver a felony; felony possession of marijuana; and cultivation of marijuana, a misdemeanor. In the course of testifying at a preliminary hearing, the law enforcement officer upon whose investigation the charges were brought testified falsely with respect to material aspects of the case. Attorney knew the testimony was false but failed to bring the falsity of such testimony to the court's attention. At the conclusion of the preliminary hearing, the presiding judge found there was not sufficient evidence of intent on the part of the defendants to possess, distribute, or conspire regarding marijuana and declined to bind the felony charges over to district court. One of the defense lawyers brought concerns regarding attorney's conduct to the attention of Bar Counsel. As a result of Bar Counsel's investigation, the parties reached a stipulation that attorney had committed two violations of his obligation of candor to the court under Rule 3.3 and agreed that a public censure was the appropriate sanction for such conduct. In considering the stipulated resolution, the Board of Professional Responsibility (BPR) of the Wyoming State Bar was satisfied that attorney acted with knowledge but not with intent to deceive the court in failing to correct the law enforcement officer's false testimony. Therefore, the BPR approved the parties' stipulated resolution and recommended that the Wyoming Supreme Court issue a public censure of prosecuting attorney. **Discipline: Public Censure.** In adopting the BPR's recommendation and issuing a public censure, the Court ordered attorney to pay an administrative fee of $750.00 and costs in the amount of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Singleton*, 486 P.3d 1020 (Wyo. 2021).

Attorney entered an appearance for a client in a jurisdiction in which the attorney was not licensed or admitted pro hac vice. Other rule violated: Rule 3.4(c). **Discipline: Private Reprimand.** Attorney privately reprimanded, required to attend PPP CLE and pay costs in the amount of $29.22 and an administrative fee of $500.

Attorney represented the mother in post-divorce child custody and visitation proceedings in Wyoming. Attorney attempted to subpoena records relating to the father from a Colorado health care facility. After the Colorado facility objected to production of the records on numerous grounds and in response to a motion to quash the subpoena brought by the father, attorney failed to inform the Wyoming court that the records were requested from an out-of-state facility, did not inform the court that attorney had not formally served the Colorado facility with a subpoena, and did not inform the court of the specific legal and factual objections the Colorado facility asserted with respect to the subpoena, including the fact that the subpoena was ineffective under Colorado law. Following investigation of the matter by Bar Counsel a disciplinary hearing was held before the Board of Professional Responsibility (BPR). The BPR determined that attorney's conduct violated Rule 3.3 (duty of candor toward the tribunal). **Discipline: Public Censure.** Attorney was ordered to pay an administrative fee of $750 and costs in the amount of $3,377.81 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Rostad*, 525 P.3d 257 (Wyo. 2023).

Attorney filed an expert designation that inaccurately represented that the attorney had retained an expert and the summary of his opinion. Other rule violated: Rule 8.4. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay costs in the amount of $56.51 and an administrative fee of $500.

Prosecuting attorney failed to timely provide exculpatory material to opposing counsel and negligently making misleading statements to the court about such exculpatory material. Other rule violated: Rule 3.8(d). **Discipline: Private reprimand**. Attorney privately reprimanded and required to pay costs in the amount of $29.22 and an administrative fee of $500.

Attorney undertook representation of a Client A in defense of a tort action, knowing that another client his law firm already represented in unrelated ongoing matters, Client B, possibly would be implicated in the tort action as a joint tortfeasor or co-conspirator. Attorney obtained written waivers of the potential conflicts signed by both clients at the outset of the engagement. Attorney later received documents showing that someone, possibly Client B, had offered a bribe to Client A for Client A's execution of materially false interrogatory answers, and for giving materially false deposition testimony by which Client A claimed sole responsibility for commission of the tort, and testified to some false facts about Client B's involvement. Plaintiff's attorneys also received the same documents at the same time as attorney for Client A. Attorney failed, after receipt of these documents, to meet attorney's continuing obligation under Rule 1.7 and Comment 1 thereto, to reconsider the propriety of the firm's simultaneous representation of Clients A and B. Specifically attorney failed to withdraw from the representation in light of the new potential conflicts presented which a reasonable lawyer likely would have concluded were not amenable to waiver, or in the alternative, failed to obtain new fully informed written waivers and consents of both clients to the new potential conflicts of interest disclosed in the documents the attorney received. Five months after receipt of the documents disclosing his client's participation and after the discovery of additional communications between Client A and Client B which contained additional proof of the

actions of Client A and Client B to obstruct justice, attorney did make a disclosure to the court as required by Rule 3.3(b). The delay in disclosure resulted in some waste of resources of the parties and the court. Attorney agreed that his conduct violated Rule 3.3(b). Other rule violated: Rule 1.7. **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney was negligent in handling appeal of two criminal matters in district court. Other rule violated: Rule 3.1. **Discipline: Private Reprimand.** Attorney ordered to sit for and obtain a passing score on the Multistate Professional Responsibility Examination. Attorney ordered to pay an administrative fee of $750 and costs of $50 to the Wyoming State Bar.

Attorney who undertook to represent a client in a criminal matter failed to appear at several hearings in the case and failed to appear at the scheduled time for the jury trial because his client was running late. When attorney's client failed to appear at the trial, attorney was less than honest in his explanation to the Court. Attorney's client was sanctioned $600.00 for failure to appear, which attorney agreed to pay. In determining that a private reprimand was the appropriate sanction, the Review and Oversight Committee (ROC) gave due consideration to several mitigating factors present in the case, including attorney's expression of remorse, his willingness to pay restitution, his efforts to address practice management issues in order to avoid similar problems in the future, and the presence of personal and health challenges which the attorney was addressing in a proactive way. **Discipline: Private Reprimand.** Other rules violated: 1.3, 3.4(c). Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

**Rule 3.4. Fairness to Opposing Party and Counsel**

**A lawyer shall not:**
**(a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;**
**(b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;**
**(c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;**
**(d) in pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party;**
**(e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused; or**
**(f) request a person other than a client to refrain from voluntarily giving relevant information to another party unless:**
**(1) the person is a relative or an employee or other agent of a client; and**
**(2) the lawyer reasonably believes that the person's interests will not be adversely affected by refraining from giving such information.**

Attorney abandoned practice, resulting in numerous client complaints and several claims being paid by the Clients' Security Fund. Other rules violated: 1.1, 1.3, 1.4, 1.5, 8.4. **Discipline: Disbarment**. Attorney stipulated to disbarment and entered into payment plan to reimburse Wyoming State Bar for $16,000 in Clients' Security Fund payments as well as $500 administrative fee and $50 costs. *Bd. of Prof. Resp. v. Powers*, 340 P.3d 997 (Wyo. 2014).

Attorney entered into a consensual sexual relationship with a divorce client and failed to withdraw from the representation after the sexual relationship began. Attorney also advised client to conceal evidence of the relationship and led client to believe that attorney's personal relationship with the presiding judge would work to client's advantage in the divorce action. Attorney knowingly made a false statement of material fact to Bar Counsel regarding the existence of the sexual relationship after a complaint was filed by client's ex-spouse. Rules violated: 1.7(a), 1.8(j), 1.16(a), 3.4(a), 8.1(a), 8.4(d), 8.4(e). **Discipline: Disbarment.** Attorney ordered to pay administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Knudsen,* 444 P. 3d 72 (Wyo. 2019).

Elected district attorney violated her duties of competence and diligence in numerous matters. Attorney also made misrepresentations to courts and to disciplinary counsel and failed to comply with court rules and directives. In numerous instances, attorney engaged in conduct prejudicial to the administration of justice. In finding that attorney's conduct warranted disbarment, the Court identified how attorney's conduct negatively impacted the public's perception of the criminal justice system when she placed blame on law enforcement for her own shortcomings and endeavored to circumvent public knowledge of her failures through false statements to the public and to disciplinary counsel. Similarly, attorney's failure to accept responsibility for her office's errors and her false statements placing blame on the courts reflected negatively on the judicial branch and conceivably engendered disrespect and a lack of public confidence in the courts. In addition, attorney's mass dismissal of hundreds of cases based on her mismanagement of the caseload and services of her office constituted conduct prejudicial to the administration of justice. The Court held attorney's actions were "a complete refusal to perform the duties imposed on her as the District Attorney." Rules violated: 1.1, 1.3, 3.3(a), 3.4(c), 8.1(a), 8.4(d). **Discipline: Disbarment.** Attorney was ordered to pay costs and administrative fees in the amount of $32,410.21 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Manlove*, 527 P.3d 186 (Wyo. 2023).

Attorney converted funds properly belonging to a guardianship/conservatorship to her own benefit, thereby breaching her fiduciary duty to the guardianship/conservatorship. In another case in which the attorney served as the lawyer for the estate of an elderly female client from whom the attorney had received hundreds of thousands of dollars, the attorney committed a theft of funds from the estate in violation of a court order for distribution of the estate. In so doing, the attorney defrauded the beneficiary of the estate, Wyoming Community Foundation, of substantial funds which should have been paid to the foundation. Rules violated: 1.15, 3.3, 3.4(c), 8.4(c). **Discipline: Disbarment**. In its order of disbarment, the Court directed the attorney to pay restitution in the amount of $40,000.00 to Wyoming Community Foundation and to pay $4,128.99 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hanson*, 539 P.3d 391 (Wyo. 2023).

Attorney filed a lawsuit in federal court. After filing the lawsuit, Attorney had no further contact with his clients despite repeated calls and emails to him and took no further action in the case

although he did not withdraw as the attorney of record. Shortly after the lawsuit was filed, the United States Supreme Court issued an opinion directly addressing the subject matter of the lawsuit. Opposing counsel wrote a letter to Attorney demanding that he voluntarily dismiss the lawsuit. Attorney did not respond to the letter and did not dismiss the lawsuit. Opposing counsel filed a motion to dismiss and a motion for sanctions. Attorney did not respond to either motion, virtually guaranteeing that the lawsuit would be dismissed, and did not communicate with his clients regarding the motions. After granting the motion to dismiss, the federal court issued an Order to Show Cause to Beduhn, to which he did not respond. The federal court ordered Beduhn to personally pay the opposing parties' attorneys' fees.

Two complaints were filed with the Office of Bar Counsel regarding Attorney's conduct. Attorney did not respond to either complaint despite repeated requests. Attorney did not respond to the formal disciplinary charge that followed. Rules violated: 1.1 (competence), 1.3 (diligence), 1.4 (communication), 3.1 (meritorious claims and contentions), 3.3 (candor toward the tribunal), 3.4 (fairness to opposing counsel), 8.1 (bar admission and disciplinary matters), and 8.4(d) (conduct prejudicial to the administration of justice). **Discipline: Disbarment.** Attorney was ordered to pay $1,435.14 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn*, 552 P.3d 371 (Wyo. 2024).

Attorney failed to appear at an Order to Show Cause hearing in regard to an allegation he had failed to provide discovery that had been due. Attorney had a family emergency but did not contact the Court or opposing counsel prior to that hearing. Attorney also missed a scheduling conference in a civil matter for the same reason. Attorney failed to move the litigation forward, diligently pursue the matter, and properly communicate with his client. Other rules violated: Rules 1.4 3.2, 3.4. **Discipline: Suspension**. Attorney suspended for two months. Attorney required to pay $250 prosecution costs of the Wyoming State Bar and administrative fees for the four cases of $2000. *Bd. of Prof. Resp. v. Cannon,* 189 P.3d 857 (Wyo. 2008).

Attorney filed a suit against a defendant that had no merit. Other rules violated: Rules 1.1, 1.2 1.4, 1.15, 4.2, 8.4. **Discipline: Suspension.** Attorney suspended for three years. *Bd. of Prof. Resp. v. Fulton*, 133 P.3d 514 (Wyo. 2006).

Attorney represented one of the parties to a divorce action, and submitted an order dividing the parties' retirement funds to the court for filing without informing opposing counsel that she had done so. Attorney violated Rule 3.4(c). Other rules violated: Rules 3.3(a)(1), 8.4(a)(d). **Discipline: Suspension**. Attorney suspended for 30 days. Attorney required to pay the amount of $50 representing the costs for handling this matter as well as an administrative fee of $500. *Bd. of Prof. Resp. v. Dunn,* 272 P.3d 941 (Wyo. 2012).

Attorney failed to timely file a notice of appeal in an adoption matter. Attorney, who had recently received a public censure for his neglect in three different matters, stipulated to a suspension for similar misconduct in the adoption case and three additional matters. Other rules violated: 1.1, 1.3, 1.4. **Discipline: Suspension**. Attorney suspended for nine months and ordered to reimburse the Wyoming State Bar for costs $50.00 and administrative fee of $500.00. *Bd. of Prof. Resp. v. Powers,* 322 P.3d 1287 (Wyo. 2014).

Attorney represented two homeowners in a construction dispute with a contractor. Attorney charged more than $300,000 in attorneys' fees and expenses only to have the case dismissed for "blatant and egregious" failure to comply with numerous discovery orders in the case. In finding that attorney's conduct violated Rules 3.1 (meritorious claims and contentions), 3.2 (expediting litigation) and 3.4 (fairness to opposing party and counsel), the Board of Professional Responsibility noted that as a result of attorney's misconduct, the parties were exposed to unnecessary expense and delays, and their attorneys were forced to put in substantial time with resulting higher legal fees in enforcing compliance with the discovery rules. The Board also concluded attorney's clients suffered because their claims were dismissed with prejudice and they incurred substantial attorney fees and costs. **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney's client, the prime contractor hired to perform an environmental impact assessment on a wind turbine project, was sued by a subcontractor to collect for consulting services rendered on the project. Following a jury verdict in favor of the subcontractor, the subcontractor moved for sanctions for repeated discovery violations by attorney's client. The court granted the motion, describing the pattern of discovery misconduct as "willful" and assessing more than $58,000 in sanctions against attorney's client. Hearing this evidence, the Board of Professional Responsibility found that attorney's conduct violated Rules 3.1, 3.2, 3.3 (candor to the tribunal), 3.4, 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and 8.4(d) (conduct prejudicial to the administration of justice). The Board concluded that attorney's conduct resulted in unnecessary expense and delay and attorney's client incurred over $250,000 in fees and expenses. **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented a limited liability company that undertook to construct three custom homes. Attorney's client was sued by a subcontractor who claimed to be owed money for work performed on one of the houses. Attorney filed an answer and counterclaim on behalf of the contractor, asserting that the subcontractor had breached its contractual obligations and seeking unspecified damages. After years of litigation for which attorney charged her client more than $125,000, summary judgment was entered in favor of the subcontractor in the amount of $441,000. In a subsequent decision dismissing the counterclaim attorney had filed, the court noted that it had made, without success, "a continual and repeated effort in pretrial conferences (note the plural) and summary judgment motions to get the Defendant to simplify the issues by stating exactly what is being claimed and on what legal theory it relies." The Board of Professional Responsibility found that attorney's conduct in the case violated Rules 3.2, 3.3, 3.4, 8.4(c) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming

State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented the builder in a dispute between the builder and a homeowner over the cost of construction of a house. Attorney delayed and obstructed the litigation, including unreasonably delaying discovery and obstructing a court-ordered computer inspection. Attorney's conduct forced opposing counsel to file repeated motions to compel. Attorney disobeyed court orders to produce information. The Board of Professional Responsibility found that attorney's conduct in the case violated Rules 3.2, 3.4 and 8.4(c). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented the plaintiff in a civil rights action. In a lengthy motion ruling, attorney was chastised by the court for her "ongoing failure" to adhere to deadlines, filing motions late, filing a brief in rough draft form shortly before midnight on its due date and later seeking to correct deficiencies in a supplemental filing, and asking for extensions of already-extended deadlines. The court, noting the difficulties presented to the defendants who are faced with reading, comparing, and preparing to respond to multiple versions of the same brief and the difficulties presented to defense counsel in responding to Plaintiffs' moving-target opposition," held, "This practice illustrates a troubling and unmistakable pattern in [attorney's] approach to briefing." Upon review of the judge's decision, the Board of Professional Responsibility found that attorney's conduct violated Rules 3.1, 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney conducted direct examination in a video deposition. During opposing counsel's subsequent cross examination, attorney interrupted the proceedings and insisted that she be allowed to proceed with redirect examination because she had to leave. Opposing counsel objected but attorney persisted with her questioning. The judge was called and ruled that attorney could not proceed with redirect until opposing counsel had completed his cross examination. After the judge's ruling, attorney continued to demand that she be allowed to question the witness and that opposing counsel limit his questions to a specified time. The Board of Professional Responsibility found that attorney's conduct during the deposition violated Rules 3.4, 3.5 (impartiality and decorum of the tribunal) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney failed in professional obligations to two insurance company clients. As to one client, attorney failed to remit settlement funds to the insurance company and failed to respond to numerous demands for payment. As to the other client, attorney mishandled the insurance company's representation in ten different matters. The insurance company sued attorney and obtained a substantial default judgment against attorney. Other rules violated: 1.1, 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 3.2, 8.1 and 8.4. **Discipline: Suspension.** Attorney suspended for five years and ordered to reimburse the Wyoming State Bar for costs of $50 and administrative fee of $500. Before attorney can apply for reinstatement, he must take and pass the bar exam and show evidence of having made restitution to his insurance company client. *Bd. of Prof. Resp. v. Shreve*, 341 P.3d 370 (Wyo. 2014).

In 2007, attorney purchased a residential lot from a local couple for whom he performed occasional legal work both before and after the lot purchase. There were initial discussions about attorney having the couple build a custom home for him on the lot, but no agreement was reached and attorney ultimately purchased another residence but retained ownership of the lot. After their attorney-client relationship with attorney terminated, the couple complained to the city about the condition of attorney's lot, which was adjacent to the couple's home. In 2010, the city sent an abatement order to attorney which required him to remove the weeds on the lot within 15 days. The couple made further complaints in 2011, which resulted in a communication between attorney and an attorney for the city about the condition of the lot.

The day after attorney's conversation with the attorney for the city, attorney filed a lawsuit against the couple in district court. The lawsuit was brought in the name of a limited liability company, New Dehli Trading Co., created by attorney shortly before the suit was filed, to which attorney had conveyed ownership of the lot. In the lawsuit, attorney alleged that the couple had defrauded him in the sale of the lot, having assured him that a residence would be built on the property for $400,000.00 or less. The lawsuit sought recovery of actual and punitive damages.

The New Dehli lawsuit was ultimately dismissed for lack of prosecution in 2014, following which the couple filed a grievance against attorney with the Office of Bar Counsel. Following investigation, Bar Counsel filed a formal charge alleging that attorney had violated numerous Rules of Professional Conduct in filing and maintaining the lawsuit. Following a weeklong disciplinary hearing, the BPR found clear and convincing evidence that attorney had violated Rule 3.3(a) by making numerous false statements to the court in the New Dehli lawsuit, and further by offering evidence to the BPR that attorney knew to be false. The BPR also found that attorney violated **Rules 3.4(c) and (d)** in his conduct in the litigation, and that he violated Rule 4.4(a) by using means that had no substantial purpose other than to embarrass, delay or burden the couple against whom he brought the lawsuit. The BPR found that the New Dehli lawsuit was filed in retaliation against attorney's former clients for their repeated complaints to the city regarding atttorney's failure to maintain the lot, and should never have been filed. The BPR also found that attorney violated Rule 8.4(c) by engaging in conduct involving dishonesty, fraud, deceit or misrepresentation to the court, the couple and various attorneys hired by the couple to represent them in the New Dehli lawsuit. Finally, the BPR found that attorney violated Rule 8.4(d) by engaging in conduct prejudicial to the administration of justice. **Discipline: Suspension.** Attorney suspended for nine months, ordered to make restitution to his former clients in the amount of $11,641.17, to pay costs of the disciplinary proceedings in the amount of $25,247.99, and to pay an administrative fee of $500.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Stinson*, 370 P.3d 72 (Wyo. 2016).

Attorney represented client in a contract dispute. Client, a landscaping contractor, claimed that it was owed approximately $35,000 for work on a residential construction project. Attorney filed a lawsuit on behalf of the landscaping contractor against the homeowners seeking recovery of that amount. Homeowners filed a counterclaim against the landscaping contractor and a third-party claim against its owner. The lawsuit was eventually settled, with the landscaping contractor and its insurer paying $55,000 to the homeowners. Other rules violated: 1.3, 1.5, 3.3, 8.4(d). **Discipline: Suspension.** Attorney suspended for 90 days, ordered to refund $2,350.00 in unearned fees to the client, and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Crawford-Fink*, 430 P.3d 323 (Wyo. 2018).

Attorney failed to comply with Wyoming statutes in the filing of a personal injury action, misled his client as to the status of the personal injury action and missed court deadlines in two separate matters. Rules violated: 1.1, 1.3, 1.4, 3.4(c), 8.4(c). **Discipline: Suspension.** Attorney suspended for one year and ordered pay an administrative fee in the amount of $1,500.00 ($750.00 each for two separate disciplinary complaints) and costs of $100.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Pearce*, 446 P.3d 717 (Wyo. 2019).

Attorney drafted a will for an elderly woman which named her daughter (attorney's client) as executrix and as a beneficiary and identified attorney as the elderly woman's lawyer and alternate executor. Attorney took such action despite the fact that attorney was aware that the elderly woman was the ward of Wyoming Guardianship Corporation (WGC). Attorney further took such action despite the fact that in the elderly woman's guardianship proceeding, the district court had recently denied attorney's motion to require WGC to allow the elderly woman to draft a new will. Rules violated: 1.7(a), 3.4(c), 8.4(d). **Discipline: Suspension.** Attorney agreed to a 90-day suspension, which was recommended to the Supreme Court by a Review Panel of the Board of Professional Responsibility. Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar *Bd. of Prof. Resp. v. Pretty,* 462 P.3d 446 (Wyo. 2020).

Attorney was hired to represent Wife in a divorce proceeding and paid attorney a non-refundable "availability retainer" of $5,000.00. The "availability retainer" was not a flat fee; attorney's representation agreement stated that Wife was responsible for fees incurred after the $5,000.00 was exhausted. Wife's husband filed for divorce and Wife expressed repeated requests that marital assets should be preserved and expressed concerns about the depletion of marital assets by Husband. Despite Wife's repeated directives to exchange initial disclosures and commence discovery, attorney never did so nor did attorney request an accounting from husband. Attorney otherwise failed to respond from numerous inquiries from Wife. Wife ultimately terminated attorney's representation and retained other counsel.

As soon as attorney's representation was terminated, Wife made repeated requests for an invoice reflecting the time spent on the case and requested a refund of funds not utilized, which she never received. During the fourteen months attorney represented Wife, he never sent an invoice, even after expressly requested, and did not communicate that Wife's "availability retainer" had purportedly been exhausted.

Wife submitted a complaint to the Office of Bar Counsel (OBC). Attorney failed to comply with numerous requests for information from OBC, resulting in OBC's filing a petition for attorney's

immediate suspension with the Wyoming Supreme Court. Attorney was suspended but reinstated after he began cooperating with OBC. OBC's investigation continued until attorney stipulated that there was clear and convincing evidence of professional misconduct in the case, including attorney's failure to comply with Wife's directives concerning her divorce; failure to proceed diligently; failure to maintain adequate communication with client; billing abuses; failure to expedite litigation; failure to comply with court rules and failure to cooperate with a disciplinary investigation. The parties stipulated that in addition to violation of numerous Rules of Professional Conduct, the following aggravating factors were present: (1) prior disciplinary record; (2) pattern of misconduct; (3) multiple offenses; (4) bad faith obstruction of the disciplinary proceeding by intentionally failing to cooperate with the OBC's investigation; (5) submission of false evidence, false statements, or other deceptive practices during the disciplinary process; (6) refusal to acknowledge wrongful nature of conduct; and (7) substantial experience in the practice of law. There were no mitigating factors present.

Rules violated: 1.2, 1.3, 1.4, 1.5, 3.2, 3.4, 8.1. **Discipline: Suspension.** Attorney stipulated to a three-year suspension from the practice of law. The stipulation was considered and approved by a review panel of the Board of Professional Responsibility and recommended to the Court. In approving the recommendation of the Board of Professional Conduct's recommendation of a three-year suspension as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. Attorney was also required to refund $1500.00 to Wife. *Bd. of Prof. Resp. v. Tolin*, 501 P.3d 1232 (Wyo. 2022).

Following defendant's conviction at trial of sexual assault, the Wyoming Supreme Court reversed, finding broad-ranging misconduct by the prosecutor and abuse of discretion by the trial judge. On remand, prosecutor continued to display a lack of diligence and failed to comply with various court orders, resulting in prosecutor being removed from the case. In disciplinary proceedings that followed the resolution of the underlying criminal matter, a hearing panel of the Board of Professional Responsibility found that the prosecutor had violated a number of rules of professional conduct and recommended disbarment. In a 3-2 decision, the Wyoming Supreme Court agreed prosecutor violated several rules but held that other violations found by the BPR were not supported by clear and convincing evidence. The majority held that the lesser sanction of a suspension was warranted. Rules violated: 1.3, 3.2, 3.4 and 8.4(d). **Discipline: Suspension.** Attorney suspended from the practice of law for three years and ordered to pay administrative fees in the amount of $750.00 and costs of $29,827.09 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hinckley*, 503 P.3d 584 (Wyo. 2022).

On November 16, 2023, the Wyoming Supreme Court issued an order suspending Attorney from the practice of law for 60 days commencing January 1, 2024. During the period of her suspension, the Wyoming State Bar's Office of Bar Counsel received a report that Attorney had engaged in the practice of law while she was suspended. Following a hearing, the Board of Professional Responsibility found that Attorney had violated the suspension order, engaged in the unauthorized practice of law during the period of her suspension and made false statements to Bar Counsel. Rules violated: 3.4(c), 5.5 and 8.1(a). **Discipline: Suspension.** The Board recommended that Attorney receive an additional 10-month suspension to be effective March 1, 2024. The Wyoming Supreme Court adopted the Board's recommendation and ordered Attorney to be suspended from

the practice of law for a period of 10 months effective March 1, 2024. Attorney was ordered to pay costs and administrative fees totaling $5,342.50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Austin,* 560 P.3d 877 (Wyo. 2024).

Attorney failed to comply with discovery requests by failing to obtain medical records and by making significant redactions to relevant records. The late disclosure of complete medical records at the health care providers' depositions led to vacating the trial date and the imposition of an order requiring Attorney or her client to pay $23,500.00 in fees to the opposing party, which was paid by Attorney. Rule violated: 3.4. **Discipline: Suspension.** The parties' stipulation for a 120-day suspension of Attorney's license to practice law and implementation of several remedial measures was approved by the Board of Professional Responsibility (BPR) of the Wyoming State Bar and was submitted to the Wyoming Supreme Court. In adopting the BPR's recommendation for a 120-day suspension, the Court ordered Attorney to pay an administrative fee of $750.00 and costs in the amount of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Lovett,* 560 P.3d 288 (Wyo. 2024).

Attorney failed to comply with a settlement agreement entered in November 2019 in which the parties agreed to a 12' wide easement. Throughout the case, opposing counsel tried without success to communicate with attorney, who was nonresponsive or did not take action required to comply with the agreement, requiring opposing counsel to perform work attorney had been ordered to do. The result was two motions to enforce the settlement agreement, two motions for order to show cause, and requests for monetary sanctions against attorney's client, all of which were granted. The settlement agreement was finally complied with in April 2023. Opposing counsel and the court were required to expend great resources to enforce an agreement to which neither party objected but was not completed due to attorney's dilatory conduct. Rules violated: 1.3, 3.2, 3.4(c) and 8.4(d). **Discipline: Suspension.** The parties' stipulation for a 90-day suspension of attorney's license to practice law was approved by the BPR and was submitted to the Wyoming Supreme Court. In adopting the BPR's recommendation for a 90-day suspension, the Court ordered attorney to pay an administrative fee of $750.00 and costs in the amount of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hoard,* 565 P.3d 953 (Wyo. 2025).

Attorney failed to comply with his duty of diligence and failure to comply with court rules and orders in a litigation matter, resulting in a large judgment being issued against his clients. Rules violated: 1.3, 3.4(c). **Discipline: Suspension.** The Board of Professional Responsibility of the Wyoming State Bar recommended a three-year suspension, which was approved and adopted by the Supreme Court. Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Neubauer*, P.3d _____ Wyo. 2026).

Attorney failed to respond to that Court's disciplinary show cause order filed as a result of his failing to file a brief on behalf of his client. Other rule violated: Rule 1.1. **Discipline: Public Censure.** Attorney publicly censured, indefinitely suspended from the practice of law before the 10th Circuit Court of Appeals and required to pay some of the prosecuting costs of the matter for the Wyoming State Bar. *Bd. of Prof. Resp. v. Bustos,* 224 P.3d 873 (Wyo. 2010).

Attorney failed and refused to comply with numerous discovery obligations in a construction litigation matter in which he represented himself and other related entities. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Elworthy*, Wyoming Supreme Court No. D-04-3 (not reported in P.3d).

Attorney failed to comply with his discovery obligations. Other rules violated: Rule 8.4. **Discipline: Public Censure.** Attorney publicly censured, required to attend additional ethics continuing education classes and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Cleveland,* 150 P.3d 184 (Wyo. 2007).

Attorney represented a company that had been sued for damages and failed to disclose information related to insurance for his client as mandated by the initial disclosure requirements of the Wyoming Rules of Civil Procedure. Attorney misled opposing counsel into believing there was no insurance, and did not disclose the existence of insurance until after the settlement (which was paid by insurance) was reached. Other rules violated: Rules 3.1(c), 8.4(a)(c)(d). **Discipline: Public Censure.** Attorney publicly censured and required to pay $7445.90 in prosecution costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Stith*, 262 P.3d 847 (Wyo. 2011).

Attorney failed to reveal the existence of an audiotape to opposing attorneys when written discovery called for that information to be provided to the opposing party. The contents of the tape were timely revealed, but the existence of the tape was not. **Discipline: Public Censure.** Attorney publicly censured, required to attend additional CLE classes, and required to pay some of the prosecution costs of the Wyoming State Bar for the matter. *Bd. of Prof. Resp. v. Chapman,* 150 P.3d 182 (Wyo. 2007).

Attorney failed to promptly file the necessary appellate documents and failed to respond to the Orders from the 10th Circuit Court of Appeals**. Discipline: Public Censure.** Attorney publicly censured and required to pay some of the costs of the prosecution of the matter by the Wyoming State Bar. Other rule violated: Rule 1.3. *Bd. of Prof. Resp. v. Fulton*, Wyoming Supreme Court No. D-03-15 (not reported in P.3d).

Attorney failed to comply with discovery in representing a client in a medical malpractice case. Attorney failed to timely comply with discovery requirements including an order compelling compliance. As a result, the court assessed sanctions against attorney in excess of $15,000 for the attorneys' fees incurred by the other side in seeking to enforce compliance with discovery. **Discipline: Public Censure.** Attorney stipulated that his conduct constituted a violation of Rule 3.4(c) (failure to comply with rules of the tribunal), Rule 3.4(d) (failure to cooperated with discovery) and Rule 8.4(d) (conduct prejudicial to the administration of justice). Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hopkins,* 475 P.3d 263 (Wyo. 2020).

Attorney signed off on discovery requests that failed to reveal the existence of a discovery item and to provide a copy of it after receiving a written request for it. **Discipline: Private Reprimand.** Attorney required to pay costs of $100, an administrative fee of $500 and to complete five additional CLE hours regarding discovery/privilege issues.

Attorney entered an appearance for a client in a jurisdiction in which the attorney was not licensed or admitted pro hac vice. Other rule violated: Rule 3.3. **Discipline: Private Reprimand.** Attorney privately reprimanded, required to attend PPP CLE and pay costs in the amount of $29.22 and an administrative fee of $500.

Attorney failed to appear at a hearing in a civil matter in one court because she was occupied with a juvenile proceeding in a different court. After the first court granted relief against her client, attorney filed a motion to set aside the order on the grounds that she was occupied with another matter in juvenile court. In support of the motion, attorney attached a calendar sheet showing the juvenile hearing that detained her in the second court. The calendar sheet contained the names of several juveniles, including the one in the case that kept attorney from getting to the hearing on time. Attorney did not file the attachment under seal or otherwise seek to protect the information contained on the sheet, which is confidential by Wyoming statute. Other rule violated: Rule 8.4(d). **Discipline: Private Reprimand.** Attorney required to pay $500 administrative fee and $50 costs.

Attorney received certain funds into the lawyer's IOLTA client trust account and then distributed the funds to attorney's clients and to pay legal fees. Those payments were in conflict with a final district court order. Attorney failed to give notice of receipt of the funds to third parties who claimed an interest in the funds. Other rules violated: 1.15, 8.4(d). **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay administrative fee of $750 and costs of $50 to the Wyoming State Bar.

Attorney represented the father in child custody modification proceedings. Attorney failed to serve adequate responses to discovery requests and failed to comply with court orders relating to discovery, as a result of which attorney's client was prohibited from offering exhibits or calling a witness other than himself at trial. Client was also ordered to pay a portion of the opposing party's attorney's fees incurred in bringing the discovery motions. Though acknowledging that the presumptive sanction for attorney's misconduct is a public censure, the ROC found that a downward departure was appropriate owing to certain mitigating factors. Other rule violated: 8.4(d). **Discipline: Private Reprimand**, conditioned upon attorney's payment of the attorney's fee award that had been assessed against client by the trial court. Attorney required pay administrative fee of $750 to the Wyoming State Bar.

Attorney who undertook to represent a client in a criminal matter failed to appear at several hearings in the case and failed to appear at the scheduled time for the jury trial because his client was running late. When attorney's client failed to appear at the trial, attorney was less than honest in his explanation to the Court. Attorney's client was sanctioned $600.00 for failure to appear, which attorney agreed to pay. In determining that a private reprimand was the appropriate sanction, the Review and Oversight Committee (ROC) gave due consideration to several mitigating factors present in the case, including attorney's expression of remorse, his willingness to pay restitution, his efforts to address practice management issues in order to avoid similar problems in the future, and the presence of personal and health challenges which the attorney was addressing in a proactive way. **Discipline: Private Reprimand.** Other rules violated: 1.3, 3.3(a). Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

Prosecutor argued facts that were not in evidence and used inflammatory language in closing argument. Rules violated: 3.4, 8.4(d). **Discipline: Private Reprimand.** Attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney failed to timely file pretrial disclosures, resulting in the exclusion of two witnesses at trial. Attorney also failed to timely respond to discovery requests or respond to several inquiries regarding the requests until after a Motion to Compel was filed and granted. Attorney agreed that such conduct violated Rule 1.3 (diligence) and Rule 3.4 (fairness to opposing party and counsel) and refunded the fee paid by client. **Discipline: Private Reprimand.** In determining that a private reprimand is the appropriate sanction for the attorney's violations, the Review and Oversight Committee gave due consideration to several mitigating factors present in the case, including attorney's serious physical maladies that were ongoing throughout the representation, particularly during the time period in which attorney was unresponsive to opposing counsel and missed deadlines, attorney's good faith efforts to make restitution, full and free disclosure to the Office of Bar Counsel, and the absence of a prior disciplinary record or dishonest or selfish motive. Attorney agreed to the private reprimand. Attorney ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

Prosecutor made statements in closing argument that amounted to an improper, personal attack on defense counsel and made statements that tended to inflame the jury's passions and prejudices. Rules violated: 3.4, 8.4(d). **Discipline: Private Reprimand.** Attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

**Rule 3.5. Impartiality and Decorum of the Tribunal**

**A lawyer shall not:**
**(a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;**
**(b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order.**
**(c) communicate with a juror or prospective juror after discharge of the jury if:**
- **(1) the communication is prohibited by law or court order;**
- **(2) the juror has made known to the lawyer a desire not to communicate; or**
- **(3) the communication involves misrepresentation, coercion, duress or harassment; or**

**(d) engage in conduct intended to disrupt a tribunal.**

Attorney conducted direct examination in a video deposition. During opposing counsel's subsequent cross examination, attorney interrupted the proceedings and insisted that she be allowed to proceed with redirect examination because she had to leave. Opposing counsel objected but attorney persisted with her questioning. The judge was called and ruled that attorney could not proceed with redirect until opposing counsel had completed his cross examination. After the judge's ruling, attorney continued to demand that she be allowed to question the witness and that opposing counsel limit his questions to a specified time. The Board of Professional Responsibility found that attor-

ney's conduct during the deposition violated Rules 3.4, 3.5 (impartiality and decorum of the tribunal) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney wrote an *ex parte* letter to a judge in a juvenile proceeding. The judge returned the letter to the attorney, telling the attorney that the judge had not and would not read it. **Discipline: Private Reprimand.** Attorney ordered to complete three hours of continuing legal education in ethics, and to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

**Rule 3.6. Trial Publicity**

**(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.**
**(b) Notwithstanding paragraph (a), a lawyer may state:**
**(1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;**
**(2) information contained in a public record;**
**(3) that an investigation of a matter is in progress;**
**(4) the scheduling or result of any step in litigation;**
**(5) a request for assistance in obtaining evidence and information necessary thereto;**
**(6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and**
**(7) in a criminal case, in addition to subparagraphs (1) through (6):**
**(i) the identity, residence, occupation and family status of the accused;**
**(ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;**
**(iii) the fact, time and place of arrest; and**
**(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.**
**(c) Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.**
**(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).**

Attorney made a derogatory remark to a juror who had been discharged following a mistrial in a first degree homicide case. He also made inappropriate comments to a member of the print media

following the jury trial. Other rule violated: Rule 8.4. **Discipline: Public Censure.** Attorney publicly censured and required to reimburse the Wyoming State Bar $100 in costs and $500 administrative fee. *Bd. of Prof. Resp. v. Murray*, 143 P.3d 353 (Wyo. 2006).

**Rule 3.7. Lawyer as Witness**

**(a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness unless:**

**(1) the testimony relates to an uncontested issue;**

**(2) the testimony relates to the nature and value of legal services rendered in the case; or**

**(3) disqualification of the lawyer would work substantial hardship on the client.**

**(b) A lawyer may act as advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness unless precluded from doing so by Rule 1.7 or Rule 1.9.**

Attorney represented himself and his wife in proceedings before an administrative tribunal and in court proceedings. Other rule violated: Rule 8.4(d). **Discipline: Private reprimand.** Attorney consented to a private reprimand, and agreed to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

**Rule 3.8. Special Responsibilities of Prosecutor**

**The prosecutor in a criminal case shall:**

**(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;**

**(b) make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;**

**(c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights, such as the right to a preliminary hearing;**

**(d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal; and**

**(e) except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule.**

**(f) When a prosecutor knows of new, credible and material evidence that a convicted defendant did not commit an offense of which the defendant was convicted, the prosecutor shall:**

**(1) promptly disclose that evidence to an appropriate authority or court, and**
**(2) if the conviction was obtained in the prosecutor's jurisdiction,**
**(i) promptly disclose that evidence to the court and the defendant unless a court authorizes a delay**
**(ii) undertake further investigation, or make reasonable efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant did not commit, and**

**(g) When a prosecutor knows of clear and convincing evidence establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction.**

Prosecuting attorney failed to timely provide discovery to opposing counsel when new information was discovered. Attorney violated rule 3.8(d). **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay costs in the amount of $50 and an administrative fee of $500.

Prosecuting attorney failed to timely provide exculpatory material to opposing counsel and negligently making misleading statements to the court about such exculpatory material. Other rule violated: Rule 3.3. **Discipline: Private Reprimand**. Attorney privately reprimanded and required to pay costs in the amount of $29.22 and an administrative fee of $500.

Prosecuting attorney failed to timely provide discovery to opposing counsel when new information was discovered. Attorney violated Rule 3.8(d). **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay administrative fee of $500 and costs of $50.

Prosecuting attorney met with several minors and their parents following an incident in which law enforcement personnel discovered the minors after hours on school property, mixing toilet bowl cleaner with balls of aluminum foil in plastic bottles, which led to a chemical reaction that caused the bottles to burst or explode, making a loud noise. The prosecutor told the minors and their parents that they could be charged with felonies or misdemeanors and perhaps federal charges and may be subject to incarceration. The minors cooperated fully with the prosecutor and freely admitted their involvement. School district officials were contacted but declined to pursue school district discipline actions. Attorney violated 3.8(b) when prosecutor interviewed the young men before giving them a reasonable opportunity to obtain counsel. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay administrative fee of $500 and costs of $50.

### Rule 3.9. Advocate in Nonadjudicative Proceedings

**A lawyer representing a client before a legislative body or administrative agency in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of Rules 3.3(a) through (c), 3.4(a) through (c), and 3.5.**

## TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

### Rule 4.1. Truthfulness in Statements to Others

**In the course of representing a client a lawyer shall not knowingly:**
**(a) make a false statement of material fact or law to a third person; or**
**(b) fail to disclose a material fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.**

Attorney improperly charged more than $10,000 in personal expenses for airfare, lodging, rental cars, meals and other travel-related expenses to his law firm, a portion of which he billed to clients. Other rules violated: 1.5(a) and 8.4(c). **Discipline: Disbarment.** Attorney disbarred and ordered to reimburse his former firm in the amount of $10,077.33, and to pay $550.00 in costs and an administrative fee to the Wyoming State Bar. *Bd. of Prof. Resp. v. Schneebeck*, 302 P.3d 558 (Wyo. 2013).

Attorney represented a client who was sued following a fire at the client's place of business that resulted in damage to an adjoining business. Attorney failed to maintain communication with his client and with the client's insurer and missed several deadlines in the case, including deadlines to file responses to two critical motions. Attorney misled the insurance company regarding case developments and failed to communicate settlement offers to the client and the insurer. Attorney was eventually terminated and replacement counsel was hired, who shortly got the case settled. Rules violated: 1.2, 1.3, 1.4, 3.3, 4.1, 8.4(c). **Discipline: Suspension.** Attorney agreed to a three-year suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. In consideration of a number of aggravating and mitigating factors, including attorney's sustained and successful efforts at recovery from alcohol use disorder and other psychological problems, the review panel approved the stipulated, three-year suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jerabek*, 519 P.3d 309 (Wyo. 2022).

**Rule 4.2. Communication with Person Represented by Counsel**

**In representing a client, a lawyer shall not communicate about the subject of the representation with a person or entity the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.**

Attorney communicated with persons directly about a dispute when she knew those persons were represented by counsel, that the other attorney had not given the attorney permission for that communication and that there is no law which authorized that communication. Other rules violated: Rules 1.1, 1.2, 1.4, 1.5, 1.15, 3.1, 8.4. **Discipline: Suspension.** Attorney suspended for three years. *Bd. of Prof. Resp. v. Fulton*, 133 P.3d 514 (Wyo. 2006).

Attorney attempted, on two occasions, to utilize a third person to communicate with a person who was represented by counsel in a child custody matter in which the attorney represented the father. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the costs of the Wyoming State Bar for prosecution of the matter. *Bd. of Prof. Resp. v. Jenkins*, 260 P.3d 264 (Wyo. 2011).

Attorney, who represented the wife in a divorce, drafted documents, including a property settlement agreement, that were presented by wife to husband, who was represented by counsel. Wife's attorney failed to advise the husband's counsel of those activities, though the attorney knew or reasonably should have known that there was s substantial risk the wife would present them to the husband. After the husband signed the documents without first having them reviewed by his lawyer, the wife's attorney assured the husband's counsel that he would not file with the court any of the documents the husband had signed without first obtaining his lawyer's approval or unless attorney received an order from the court announcing that opposing counsel was no longer serving as the husband's attorney. Thereafter, after giving notice to husband's attorney and at the specific direction of his client, attorney filed a motion for order acknowledging as valid and enforceable the parties' settlement agreement. Other rule violated: 8.4(d). **Discipline: Public Censure.** Attorney publicly censured and required to pay the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Melchior*, 269 P.3d 1088 (Wyo. 2012).

Attorney accepted communication from a represented party without the consent of the attorney for the represented party concerning the subject matter of the representation. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay fees in the amount of $5181.25 and an administrative fee of $500. Attorney also required to complete six additional ethics CLE hours for 2006, ten additional ethics CLE hours for 2007 and five additional ethics CLE hours for 2008.

Attorney sent a letter to the opposing client when the attorney knew or should have known that the opposing party was represented by counsel. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay costs in the amount of $43.94 and an administrative fee of $500.

During his employment as a prosecutor, attorney engaged in a series of inappropriate communications with a represented defendant in a criminal matter. Though attorney was not directly involved in the criminal matter, he admitted that his conducted violated Rule 4.2. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay costs in the amount of $50.00 and an administrative fee of $750.00.

**Rule 4.3. Dealing with Unrepresented Persons**

**In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.**

**Rule 4.4. Respect for Rights of Third Persons**

**(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.**

**(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.**

In 2007, attorney purchased a residential lot from a local couple for whom he performed occasional legal work both before and after the lot purchase. There were initial discussions about attorney having the couple build a custom home for him on the lot, but no agreement was reached and attorney ultimately purchased another residence but retained ownership of the lot. After their attorney-client relationship with attorney terminated, the couple complained to the city about the condition of attorney's lot, which was adjacent to the couple's home. In 2010, the city sent an abatement order to attorney which required him to remove the weeds on the lot within 15 days. The couple made further complaints in 2011, which resulted in a communication between attorney and an attorney for the city about the condition of the lot.

The day after attorney's conversation with the attorney for the city, attorney filed a lawsuit against the couple in district court. The lawsuit was brought in the name of a limited liability company, New Dehli Trading Co., created by attorney shortly before the suit was filed, to which attorney had conveyed ownership of the lot. In the lawsuit, attorney alleged that the couple had defrauded him in the sale of the lot, having assured him that a residence would be built on the property for $400,000.00 or less. The lawsuit sought recovery of actual and punitive damages.

The New Dehli lawsuit was ultimately dismissed for lack of prosecution in 2014, following which the couple filed a grievance against attorney with the Office of Bar Counsel. Following investigation, Bar Counsel filed a formal charge alleging that attorney had violated numerous Rules of Professional Conduct in filing and maintaining the lawsuit. Following a weeklong disciplinary hearing, the BPR found clear and convincing evidence that attorney had violated Rule 3.3(a) by making numerous false statements to the court in the New Dehli lawsuit, and further by offering evidence to the BPR that attorney knew to be false. The BPR also found that attorney violated Rules 3.4(c) and (d) in his conduct in the litigation, and that he violated **Rule 4.4(a)** by using means that had no substantial purpose other than to embarrass, delay or burden the couple against whom he brought the lawsuit. The BPR found that the New Dehli lawsuit was filed in retaliation against attorney's former clients for their repeated complaints to the city regarding atttorney's failure to maintain the lot, and should never have been filed. The BPR also found that attorney violated Rule 8.4(c) by engaging in conduct involving dishonesty, fraud, deceit or misrepresentation to the court, the couple and various attorneys hired by the couple to represent them in the New Dehli lawsuit. Finally, the BPR found that attorney violated Rule 8.4(d) by engaging in conduct prejudicial to the administration of justice. **Discipline: Suspension.** Attorney suspended for nine months, ordered to make restitution to his former clients in the amount of $11,641.17, to pay costs of the disciplinary proceedings in the amount of $25,247.99, and to pay an administrative fee of $500.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Stinson*, 370 P.3d 72 (Wyo. 2016).

Attorney, on his application for admission to the Wyoming State Bar, stated that he had previously been arrested for assault and battery when in fact he had previously been arrested for assault and battery with the intent to commit the crime of rape. Attorney, while representing an incarcerated defendant and in attempting to obtain her release, became argumentative with a justice of the peace

and told the justice of the peace that unless his client was released from jail, either he or his client would sue the county, demand a jury trial, and cause everyone as much trouble and expense as he could. Other rule violated: Rule 8.4. **Discipline: Public Censure.** Attorney publicly censured and required to pay costs of $364.48. *Bd. of Prof. Resp. v. Jolley*, 805 P.2d 862 (Wyo. 1991).

Attorney made demeaning comments reflecting the attorney's personal and religious feelings against gay couples being foster parents in the presence of several individuals, including the foster parent and the attorney's client, the foster child's natural parent. In making these comments, the attorney was not speaking for the client, as the client did not share the views expressed by the attorney. Such conduct on the part of the attorney violated Rule 4.4 (a). Other rule violated: Rule 8.4(d). **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay cost in the amount of $50 and an administrative fee of $500.

Attorney wrote inflammatory letters and submitted written interrogatories with no purpose but to harass and intimidate the adverse party in a divorce matter. Both the letters and the interrogatories suggested criminal conduct by the adverse party. Such conduct on the part of the attorney violated Rule 4.4(a). Other rule violated: Rule 4.4(c). **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay cost in the amount of $50 and an administrative fee of $500.

## LAW FIRMS AND ASSOCIATIONS

### Rule 5.1. Responsibilities of Partners, Managers, and Supervisory Lawyers

**(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.**
**(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.**
**(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:**

> **(1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or**
> **(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.**

Attorney had supervisory authority over an associate in the law firm who was licensed in another jurisdiction. The associate moved to Wyoming and began full-time employment but delayed for more than a year applying for admission to the Wyoming State Bar. Attorney and associate both believed such practice was permissible as long as all work performed by associate was under the supervision and with the active participation of a licensed Wyoming lawyer in the law firm. Following commencement of a disciplinary investigation, attorney admitted that associate's conduct was not consistent with the requirements of Rule 5.5 (unauthorized practice of law) and that supervisory attorney had thus violated Rule 5.1(a) by failing to make reasonable efforts to ensure

that associate's conduct conformed to the Rules of Professional Conduct. **Discipline: Private Reprimand**. Attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

**Rule 5.2. Responsibilities of a Subordinate Lawyer**

**(a) A lawyer is bound by the Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another person.**
**(b) A subordinate lawyer does not violate the Rules of Professional Conduct if that lawyer acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question of professional duty.**

**Rule 5.3. Responsibilities Regarding Nonlawyer Assistance**

**With respect to a nonlawyer employed or retained by or associated with a lawyer:**
**(a) a partner and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;**
**(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and**
**(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:**

> **(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or**
> **(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.**

Attorney failed to maintain proper records regarding funds held in his lawyer trust account. Investigation of activities in attorney's trust account revealed that funds in the account were routinely commingled with attorney's own funds. Further, the investigation revealed that attorney's legal assistant, who had been appointed to act as the personal representative in a probate matter being handled by attorney, embezzled tens of thousands of dollars from the estate and then replaced those funds with money she embezzled from attorney. The investigation revealed no evidence that any client was harmed by such conduct. However, attorney was found to have breached his duty to supervise his nonlawyer assistant. Rules violated: 1.15, 5.3. **Discipline: Suspension.** In adopting the BPR's recommendation for a one-year suspension, the Court ordered attorney to pay an administrative fee of $750.00 and costs in the amount of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Young*, 503 P.3d 80 (Wyo. 2022).

Attorney undertook representation of two immigration clients. While attorney was out of the country on an extended absence, filing deadlines were missed and other mistakes were made which resulted in additional delays, inconvenience and expense for his clients. Other Rules violated: 1.1

and 1.3. **Discipline: Public Censure.** Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd.of Prof. Resp. v. Boachie-Yiadom*, 309 P.3d 816 (Wyo. 2013).

In a criminal appeal, attorney filed a brief that misrepresented the testimony of an important witness. When the misrepresentations were brought to the Wyoming Supreme Court's attention, the Court sanctioned attorney $500 and ordered him to file a corrected brief. Following investigation of the matter by Bar Counsel a disciplinary hearing was held before the Board of Professional Responsibility (BPR). The BPR determined that attorney's conduct violated Rule 3.3 (duty of candor toward the tribunal), Rule 5.3 (responsibilities regarding nonlawyer assistants), Rule 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and Rule 8.4(d) (conduct prejudicial to the administration of justice). **Discipline: Public Censure.** Attorney was ordered to pay an administrative fee of $500 and costs in the amount of $1,827.72 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Custis*, 348 P.3d 823 (Wyo. 2015).

Attorney failed to adequately supervise a nonlawyer assistant, which failure resulted in the filing of motions for attorney's fees containing inaccurate billing entries in several cases. Such conduct on the part of the attorney violated Rule 5.3(b). **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay cost in the amount of $50 and an administrative fee of $500.

Attorney was negligent in supervising office manager with respect to calendaring issues. **Discipline: Private Reprimand.** Attorney ordered to sit for and obtain a passing score on the Multistate Professional Responsibility Examination. Attorney was ordered to pay an administrative fee of $750 and costs of $50 to the Wyoming State Bar.

**Rule 5.4. Professional Independence of a Lawyer**

**(a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:**

**(1) an agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons;**

**(2) a lawyer who purchases the practice of a deceased, disabled, or otherwise unavailable lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that lawyer the agreed-upon purchase price;**

**(3) a lawyer who undertakes to complete unfinished legal business of a deceased, disabled, or otherwise unavailable lawyer may pay to the estate of the deceased lawyer or other representative of that lawyer that proportion of the total compensation which fairly represents the services rendered by the deceased, disabled, or otherwise unavailable lawyer;**

**(4) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and**

**(5) a lawyer may share court-awarded legal fees with a nonprofit organization that employed, retained or recommended employment of the lawyer in the matter.**

**(b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.**

**(c) A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services.**

**(d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:**

**(1) a nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration;**

**(2) a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form or association other than a corporation; or**

**(3) a nonlawyer has the right to direct or control the professional judgment of a lawyer.**

**Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law**

**(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.**

**(b) A lawyer who is not admitted to practice in this jurisdiction shall not:**

**(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or**

**(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.**

**(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:**

**(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;**

**(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding; or**

**(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission.**

**(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent of, may provide legal services in this jurisdiction that:**

**(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or**

**(2) are services that the lawyer is authorized by federal law, tribal law or other law or rule to provide in this jurisdiction.**

On November 16, 2023, the Wyoming Supreme Court issued an order suspending Attorney from the practice of law for 60 days commencing January 1, 2024. During the period of her suspension, the Wyoming State Bar's Office of Bar Counsel received a report that Attorney had engaged in the practice of law while she was suspended. Following a hearing, the Board of Professional Responsibility found that Attorney had violated the suspension order, engaged in the unauthorized practice of law during the period of her suspension and made false statements to Bar Counsel. Rules violated: 3.4(c), 5.5 and 8.1(a). **Discipline: Suspension.** The Board recommended that Attorney receive an additional 10-month suspension to be effective March 1, 2024. The Wyoming Supreme Court adopted the Board's recommendation and ordered Attorney to be suspended from the practice of law for a period of 10 months effective March 1, 2024. Attorney was ordered to pay costs and administrative fees totaling $5,342.50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Austin,* 560 P.3d 877 (Wyo. 2024).

Attorney, who was licensed to practice law in Utah but not in Wyoming, undertook to represent four persons who were charged with motor vehicle violations in Sweetwater County, Wyoming. Attorney filed motions to postpone a scheduled hearing regarding the traffic citations and subsequently withdrew from all four cases. The circuit court judge assigned to the case reported attorney to the Wyoming State Bar. **Discipline: Public Censure.** Attorney acknowledged that his conduct constituted the unauthorized practice of law and stipulated to a public censure. Attorney ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Brimley*, 344 P.3d 259 (Wyo. 2015).

Retired judge began accepting clients before returning to "active" status with the Wyoming State Bar. Rule 11(b) of the Rules of the Supreme Court of Wyoming Providing for Organization and Government of the Bar Association and Attorneys At Law provides, "Only active members of the Wyoming State Bar may engage in the practice of law within this state." **Discipline: Private Reprimand.** The attorney stipulated to a private reprimand, and agreed to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney licensed in another jurisdiction who moved to Wyoming and began full-time employment as an associate with a law firm in the state. Attorney delayed for more than a year applying for admission to the Wyoming State Bar, believing that such practice was permissible as long as all work performed by the attorney was under the supervision and with the active participation of a licensed Wyoming lawyer in the law firm. Following commencement of a disciplinary investigation, attorney admitted that such conduct was not consistent with the requirements of Rule 5.5 of the Rules of Professional Conduct (unauthorized practice of law). **Discipline: Private Reprimand.** Attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

**Rule 5.6. Restrictions on Right to Practice**

**A lawyer shall not participate in offering or making:**
**(a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or**

**(b) an agreement in which a restriction on the lawyer's right to practice is part of the settlement of a client controversy.**

**Rule 5.7. Responsibilities Regarding Law-Related Services**

**(a) A lawyer shall be subject to the Rules of Professional Conduct with respect to the provision of law-related services, as defined in paragraph (b), if the law-related services are provided:**

**(1) by the lawyer in circumstances that are not distinct from the lawyer's provision of legal services to clients; or**

**(2) in other circumstances by an entity controlled by the lawyer individually or with others if the lawyer fails to take reasonable measures to assure that a person obtaining the law-related services knows that the services are not legal services and that the protections of the client-lawyer relationship do not exist.**

**(b) The term "law-related services" denotes services that might reasonably be performed in conjunction with, and in substance are related to, the provision of legal services, and that are not prohibited as unauthorized practice of law when provided by a nonlawyer.**

**PUBLIC SERVICE**

**Rule 6.1. Pro Bono Public Service**

**(a) Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to tender at least fifty (50) hours of pro bono legal services per year. In fulfilling this responsibility, the lawyer should:**

**(1) provide a substantial majority of the fifty (50) hours of legal services within the State of Wyoming without fee or expectation of fee to:**

**(i) persons of limited means; or**

**(ii) charitable, religious, civil, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and**

**(2) provide any additional services through:**

**(i) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civil, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;**

**(ii) delivery of legal services at a substantially reduced rate to persons of limited means; or**

**(iii) participation in activities for improving the law, the legal system or the legal profession.**

**(b) In the alternative, a lawyer should voluntarily contribute $500.00 per year to any existing non-profit organization which provides direct legal assistance to persons of limited means such as the Wyoming State Bar Foundation, the Wyoming Legal Services**

**Corporation offices, the University of Wyoming College of Law clinics, or some similar organization.**

**Rule 6.2. Accepting Appointment**

**A lawyer shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as:**
**(a) representing the client is likely to result in violation of the Rules of Professional Conduct or other law;**
**(b) representing the client is likely to result in an unreasonable financial burden on the lawyer; or**
**(c) the client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship or the lawyer's ability to represent the client.**

**Rule 6.3. Membership in Legal Services Organization**

**A lawyer may serve as a director, officer or member of a legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to a client of the lawyer. The lawyer shall not knowingly participate in a decision or action of the organization:**
**(a) if participating in the decision or action would be incompatible with the lawyer's obligations to a client under Rule 1.7; or**
**(b) where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the lawyer.**

**Rule 6.4. Law Reform Activities Affecting Client Interest**

**A lawyer' may serve as a director, officer or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the lawyer. When the lawyer knows that the interests of a client may be materially benefited by a decision in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client.**

**Rule 6.5. Non-profit Limited Legal Services Programs**

**(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization, the state or county bar association, or a court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:**
**(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and**

**(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.**

**(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.**

## INFORMATION ABOUT LEGAL SERVICES

### Rule 7.1. Communications Concerning a Lawyer's Services

**A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.**

Attorney purchased several advertisements in the Sweetwater County telephone directory which indicated that he was "recently seen in Forbes magazine as THE leading personal injury lawyer in the Central United States". The ads included an emblem indicating that the attorney was "LEADING PROVIDERS – 2011 CERTIFIED – CENTRAL U.S.". Rule violated 7.1(b). Other rules violated: Rules 7.2(e)(g),7.4(d). **Discipline: Public Censure.** Attorney publicly censured and required to reimburse the Wyoming State Bar $50 in costs and $500 administrative fee. *Bd. of Prof. Resp. v. Metler,* 273 P.3d 507 (Wyo. 2012). *Note: Attorney was reprimanded under former version of Rule 7.1.*

Private reprimand issued to attorney whose law firm issued a press release reporting upon the results of a jury trial in which the attorney represented an injured plaintiff. The verdict apportioned comparative fault among the plaintiff and several other parties, including the defendants. The jury apportioned 95% of the fault to the plaintiff and two non-parties, and 5% to the defendants. The jury determined the plaintiff's total damages to exceed $5 million. Judgment was ultimately entered in favor of the plaintiff and against the defendants in the amount of 5% of the plaintiff's total damages. The press release reported the jury's finding of liability on the part of the defendants, reported the amount of the plaintiff's damages, but omitted any mention of the jury's apportionment of fault or the fact that the plaintiff would only recover 5% of his total damages from the defendants. Such conduct on the part of the attorney violated Rule 7.1 because the press release omitted facts necessary to make the statement, considered as a whole, not materially misleading, and because the press release was likely to create an unjustified expectation about results the lawyer can achieve. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay costs in the amount of $50 and an administrative fee of $500.

### Rule 7.2. Advertising

**(a) A lawyer may communicate information regarding the lawyer's services through any media.**

**(b) A lawyer shall not compensate, give or promise anything of value to a person for recommending the lawyer's services except that a lawyer may**

**(1) pay the reasonable costs of advertisements or communications permitted by this Rule;**
**(2) pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service;**
**(3) pay for a law practice in accordance with Rule 1.17;**
**(4) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if:**

**(i) the reciprocal referral agreement is not exclusive; and**
**(ii) the client is informed of the existence and nature of the agreement; and**

**(5) give nominal gifts as an expression of appreciation that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer's services.**

**(c) A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless:**
**(1) the lawyer has been certified as a specialist by an organization that has been approved by an appropriate authority of the state or the District of Columbia or a U.S. Territory or that has been accredited by the American Bar Association; and**
**(2) the name of the certifying organization is clearly identified in the communication.**
**(d) Any communication made pursuant to this Rule shall include the name and office address of at least one lawyer or law firm responsible for its content.**

Attorney purchased several advertisements in the Sweetwater County telephone directory which indicated that he was "recently seen in Forbes magazine as THE leading personal injury lawyer in the Central United States". The ads included an emblem indicating that the attorney was "LEADING PROVIDERS – 2011 CERTIFIED – CENTRAL U.S.". Rule violated 7.2(e)(g). Other rules violated: Rules7.1(b), 7.4(d). **Discipline: Public Censure.** Attorney publicly censured and required to reimburse the Wyoming State Bar $50 in costs and $500 administrative fee. *Bd. of Prof. Resp. v. Metler,* 273 P.3d 507 (Wyo. 2012). *Note: Attorney was reprimanded under former version of Rule 7.2.*

**Rule 7.3. Solicitation of Clients**

**(a) "Solicitation" or "solicit" denotes a communication initiated by or on behalf of a lawyer or law firm that is directed to a specific person the lawyer knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.**
**(b) A lawyer shall not solicit professional employment by live person-to-person contact when a significant motive for the lawyer's doing so is the lawyer's or law firm's pecuniary gain, unless the contact is with a:**
**(1) ~~a~~ lawyer;**
**(2) person who has a family, close personal, or prior professional relationship with the lawyer~~,~~ or law firm; or**
**(3) person who routinely uses for business purposes the type of legal services offered by the lawyer.**

**(c) A lawyer shall not solicit professional employment even when not otherwise prohibited by paragraph (b), if:**

**(1) the target of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or**

**(2) the solicitation involves coercion, duress or harassment.**

**(d) This Rule does not prohibit communications authorized by law or ordered by a court or other tribunal.**

**(e) Notwithstanding the prohibitions in this Rule, a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses live person-to-person contact to enroll members or sell subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.**

## MAINTAINING THE INTEGRITY OF THE PROFESSION

### Rule 8.1. Bar Admission and Disciplinary Matters

**An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:**

**(a) knowingly make a false statement of material fact; or**

**(b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.**

Disciplinary proceedings in Utah against Wyoming-licensed attorney resulted in a determination that attorney was involved in numerous incidents of negligent representation of clients, trust account violations, ignoring a subpoena issued by a Utah agency, five DUI arrests in a 10-month period and a plea of guilty to a bad check charge relating to his trust account. As a result, attorney received a lengthy suspension in Utah. Following a reciprocal discipline hearing before the Wyoming Board of Professional Responsibility (BPR) to determine the appropriate sanction for attorney's misconduct, the BPR recommended that attorney be disbarred in Wyoming, Other rules violated: 1.1, 1.3, 1.4, 1.5, 1.15, 1.16, 8.4. **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,912.56 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Johnson*, 428 P.3d 457 (Wyo. 2018).

Attorney entered into a consensual sexual relationship with a divorce client and failed to withdraw from the representation after the sexual relationship began. Attorney also advised client to conceal evidence of the relationship and led client to believe that attorney's personal relationship with the presiding judge would work to client's advantage in the divorce action. Attorney knowingly made a false statement of material fact to Bar Counsel regarding the existence of the sexual relationship after a complaint was filed by client's ex-spouse. Rules violated: 1.7(a), 1.8(j), 1.16(a), 3.4(a), 8.1(a), 8.4(d), 8.4(e). **Discipline: Disbarment.** Attorney ordered to pay administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Knudsen,* 444 P. 3d 72 (Wyo. 2019).

Attorney who was serving a one-year suspension for previous professional misconduct, failed to respond to a formal disciplinary charged filed by Bar Counsel. The formal charge related to attorney's conduct in two matters. In one of those matters, Bar Counsel alleged that attorney forged his clients' signatures to a settlement agreement and committed other violations of the rules of professional conduct in his handling of that case. In the other matter, attorney refused to cooperate with Bar Counsel's investigation of a complaint filed by one of attorney's other clients. Attorney defaulted on responding to the formal charge and the matter went to a hearing before the Board of Professional Responsibility (BPR) to determine an appropriate sanction for attorney's conduct. During the hearing, attorney admitted to forging his clients' signatures and committing other misconduct. Following the hearing, the BPR recommended attorney's disbarment to the Wyoming Supreme Court. Rule violated: 8.1(a), 8.4(b), 8.4(c). **Discipline: Disbarment.** In its order approving the BPR's recommendation and disbarring Pearce, the Court ordered Pearce to pay administrative fees in the amount of $1,500.00 and to reimburse the Wyoming State Bar for costs of the hearing. *Bd. of Prof. Resp. v. Pearce*, 467 P.3d 158 (Wyo. 2020).

Attorney lied to clients about the status of their cases, fabricated court documents and mishandled trust account funds belonging to the client as well as failing to respond to inquiries by the Wyoming State Bar's Office of Bar Counsel regarding her conduct. Rules violated: 1.3, 1.4, 3.2, 8.1, 8.4(b), (c) and (d). **Discipline: Disbarment.** In approving the stipulation of attorney and Bar Counsel for disbarment as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $1,500.00 and costs of $100.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Mathey*, 480 P.3d 1184 (Wyo. 2021).

Attorney was the subject of a felony drug arrest which ended with attorney pleading guilty to two felonies and being sentenced to six months in prison, to be followed by six months of home confinement, to be followed by three years of supervised release. Rule violated: 8.4(b). **Discipline: Disbarment.** In approving the stipulation of attorney and Bar Counsel for disbarment as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Smith*, 484 P.3d 26 (Wyo. 2021).

Elected district attorney violated her duties of competence and diligence in numerous matters. Attorney also made misrepresentations to courts and to disciplinary counsel and failed to comply with court rules and directives. In numerous instances, attorney engaged in conduct prejudicial to the administration of justice. In finding that attorney's conduct warranted disbarment, the Court identified how attorney's conduct negatively impacted the public's perception of the criminal justice system when she placed blame on law enforcement for her own shortcomings and endeavored to circumvent public knowledge of her failures through false statements to the public and to disciplinary counsel. Similarly, attorney's failure to accept responsibility for her office's errors and her false statements placing blame on the courts reflected negatively on the judicial branch and conceivably engendered disrespect and a lack of public confidence in the courts. In addition, attorney's mass dismissal of hundreds of cases based on her mismanagement of the caseload and services of her office constituted conduct prejudicial to the administration of justice. The Court held attorney's actions were "a complete refusal to perform the duties imposed on her as the District Attorney."

Rules violated: 1.1, 1.3, 3.3(a), 3.4(c), 8.1(a), 8.4(d). **Discipline: Disbarment.** Attorney was ordered to pay costs and administrative fees in the amount of $32,410.21 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Manlove*, 527 P.3d 186 (Wyo. 2023).

Attorney filed a lawsuit in federal court. After filing the lawsuit, Attorney had no further contact with his clients despite repeated calls and emails to him and took no further action in the case although he did not withdraw as the attorney of record. Shortly after the lawsuit was filed, the United States Supreme Court issued an opinion directly addressing the subject matter of the lawsuit. Opposing counsel wrote a letter to Attorney demanding that he voluntarily dismiss the lawsuit. Attorney did not respond to the letter and did not dismiss the lawsuit. Opposing counsel filed a motion to dismiss and a motion for sanctions. Attorney did not respond to either motion, virtually guaranteeing that the lawsuit would be dismissed, and did not communicate with his clients regarding the motions. After granting the motion to dismiss, the federal court issued an Order to Show Cause to Beduhn, to which he did not respond. The federal court ordered Beduhn to personally pay the opposing parties' attorneys' fees.

Two complaints were filed with the Office of Bar Counsel regarding Attorney's conduct. Attorney did not respond to either complaint despite repeated requests. Attorney did not respond to the formal disciplinary charge that followed. Rules violated: 1.1 (competence), 1.3 (diligence), 1.4 (communication), 3.1 (meritorious claims and contentions), 3.3 (candor toward the tribunal), 3.4 (fairness to opposing counsel), 8.1 (bar admission and disciplinary matters), and 8.4(d) (conduct prejudicial to the administration of justice). **Discipline: Disbarment.** Attorney was ordered to pay $1,435.14 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn*, 552 P.3d 371 (Wyo. 2024).

Attorney failed in professional obligations to two insurance company clients. As to one client, attorney failed to remit settlement funds to the insurance company and failed to respond to numerous demands for payment. As to the other client, attorney mishandled the insurance company's representation in ten different matters. The insurance company sued attorney and obtained a substantial default judgment against attorney. Other rules violated: 1.1, 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 3.2, 3.4 and 8.4. **Discipline: Suspension.** Attorney suspended for five years and ordered to reimburse the Wyoming State Bar for costs of $50 and administrative fee of $500. Before attorney can apply for reinstatement, he must take and pass the bar exam and show evidence of having made restitution to his insurance company client. *Bd. of Prof. Resp. v. Shreve*, 341 P.3d 370 (Wyo. 2014).

Attorney committed professional misconduct in a client matter in which attorney violated a lawyer's duties of competence, diligence, and maintaining communication with client, and also collected a fee for services he failed to provide. Attorney also failed to cooperate with Bar Counsel's investigation of client's complaint including failure to respond to the formal disciplinary charge, which resulted in a default being entered against attorney in the disciplinary proceeding. Other rules violated: Rules 1.1, 1.3, 1.4, 1.5. **Discipline: Suspension.** Attorney suspended for six months to run consecutively with previously-issued order of two year suspension. Attorney ordered to refund $1,000.00 fee to client and to pay an administrative fee of $750.00 and costs in the amount of $605.15 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn,* 406 P.3d 1220 (Wyo. 2017).

Attorney made numerous false representations to Bar Counsel during the investigation of a complaint submitted by a former client. BPR found clear and convincing evidence that attorney made numerous misrepresentations and submitted false information to Bar Counsel, and repeated the same misconduct at the hearing. Other rules violated: 8.4(c). **Discipline: Suspension.** Attorney suspended for nine months; ordered to pay costs in the amount of $8,149.06 and administrative fee of $750.00. *Bd. of Prof. Resp. v. Mears,* 418 P.3d 829 (Wyo. 2018).

Attorney was hired to represent Wife in a divorce proceeding and paid attorney a non-refundable "availability retainer" of $5,000.00. The "availability retainer" was not a flat fee; attorney's representation agreement stated that Wife was responsible for fees incurred after the $5,000.00 was exhausted. Wife's husband filed for divorce and Wife expressed repeated requests that marital assets should be preserved and expressed concerns about the depletion of marital assets by Husband. Despite Wife's repeated directives to exchange initial disclosures and commence discovery, attorney never did so nor did attorney request an accounting from husband. Attorney otherwise failed to respond from numerous inquiries from Wife. Wife ultimately terminated attorney's representation and retained other counsel.

As soon as attorney's representation was terminated, Wife made repeated requests for an invoice reflecting the time spent on the case and requested a refund of funds not utilized, which she never received. During the fourteen months attorney represented Wife, he never sent an invoice, even after expressly requested, and did not communicate that Wife's "availability retainer" had purportedly been exhausted.

Wife submitted a complaint to the Office of Bar Counsel (OBC). Attorney failed to comply with numerous requests for information from OBC, resulting in OBC's filing a petition for attorney's immediate suspension with the Wyoming Supreme Court. Attorney was suspended but reinstated after he began cooperating with OBC. OBC's investigation continued until attorney stipulated that there was clear and convincing evidence of professional misconduct in the case, including attorney's failure to comply with Wife's directives concerning her divorce; failure to proceed diligently; failure to maintain adequate communication with client; billing abuses; failure to expedite litigation; failure to comply with court rules and failure to cooperate with a disciplinary investigation. The parties stipulated that in addition to violation of numerous Rules of Professional Conduct, the following aggravating factors were present: (1) prior disciplinary record; (2) pattern of misconduct; (3) multiple offenses; (4) bad faith obstruction of the disciplinary proceeding by intentionally failing to cooperate with the OBC's investigation; (5) submission of false evidence, false statements, or other deceptive practices during the disciplinary process; (6) refusal to acknowledge wrongful nature of conduct; and (7) substantial experience in the practice of law. There were no mitigating factors present.

Rules violated: 1.2, 1.3, 1.4, 1.5, 3.2, 3.4, 8.1. **Discipline: Suspension.** Attorney stipulated to a three-year suspension from the practice of law. The stipulation was considered and approved by a review panel of the Board of Professional Responsibility and recommended to the Court. In approving the recommendation of the Board of Professional Conduct's recommendation of a three-year suspension as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. Attorney was also required to refund $1500.00 to Wife. *Bd. of Prof. Resp. v. Tolin*, 501 P.3d 1232 (Wyo. 2022).

On November 16, 2023, the Wyoming Supreme Court issued an order suspending Attorney from the practice of law for 60 days commencing January 1, 2024. During the period of her suspension, the Wyoming State Bar's Office of Bar Counsel received a report that Attorney had engaged in the practice of law while she was suspended. Following a hearing, the Board of Professional Responsibility found that Attorney had violated the suspension order, engaged in the unauthorized practice of law during the period of her suspension and made false statements to Bar Counsel. Rules violated: 3.4(c), 5.5 and 8.1(a). **Discipline: Suspension.** The Board recommended that Attorney receive an additional 10-month suspension to be effective March 1, 2024. The Wyoming Supreme Court adopted the Board's recommendation and ordered Attorney to be suspended from the practice of law for a period of 10 months effective March 1, 2024. Attorney was ordered to pay costs and administrative fees totaling $5,342.50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Austin,* 560 P.3d 877 (Wyo. 2024).

**Rule 8.2. Judicial and Legal Officials**

**(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.**
**(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.**

Attorney failed to diligently pursue a matter for a client and filed a motion with improper comments about a District Court Judge. Other rules violated: Rules 1.3, 8.4(g). **Discipline: Suspension.** Attorney suspended for two months and ordered to pay $6676.67 for the costs of the proceeding by the Wyoming State Bar as well as an administrative fee of $1000. *Bd. of Prof. Resp. v. Davidson,* 205 P.3d 1008 (Wyo. 2009).

**Rule 8.3. Reporting Professional Misconduct**

**(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.**
**(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.**
**(c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while participating in an approved lawyers assistance program.**

**Rule 8.4. Misconduct**

**It is professional misconduct for a lawyer to:**

**(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;**
**(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;**
**(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;**
**(d) engage in conduct that is prejudicial to the administration of justice;**
**(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;**
**(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or**
**(g) knowingly employ or continue to employ or contract with any person in the practice of law who has been disbarred, or is under suspension from the practice of law by any jurisdiction, or is on incapacitated status or disability inactive status in any jurisdiction. The prohibition of this rule extends to the employment of or contracting for the services of such disbarred or suspended person in any position or capacity (including but not limited to as an employee, independent contractor, paralegal, secretary, investigator or consultant) which is directly or indirectly related to the practice of law as defined by Rule 7(b), Rules Governing the Wyoming State Bar and the Authorized Practice of Law, whether or not compensation is paid.**

Attorney pled guilty to the charge of Conspiracy to Manufacture a Controlled Substance. **Discipline: Disbarment.** Attorney disbarred and required to pay some of the prosecution costs of the Wyoming State Bar. *Bd. of Prof. Resp. v. Strand*, 143 P.3d 351 (Wyo. 2006).

Attorney pled guilty to the charge of Possession of Controlled Substances. **Discipline: Disbarment.** Attorney disbarred and required to pay some of the costs of the Wyoming State Bar prosecution of the matter. *Bd. of Prof. Resp. v. Albanese,* 145 P.3d 454 (Wyo. 2006).

Attorney pled guilty to the crimes of unauthorized use of personal identifying information and official misconduct with intent to obtain pecuniary benefit**. Discipline: Disbarment.** Attorney disbarred. Attorney allowed to petition for reinstatement after five years. *Bd. of Prof. Resp. v. Meenan,* 85 P.3d 409 (Wyo. 2004).

Attorney was convicted of five felony counts consisting of aiding and abetting in the commission of a felony, conspiracy to commit forgery and possession of a forgery device. **Discipline: Disbarment.** Attorney disbarred and required to pay costs of $882.10. *Bd. of Prof. Resp. v. Neilson*, 816 P.2d 120 (Wyo. 1991).

Attorney, who was the chairman of the board and major shareholder of a bank, pled guilty to misapplication of funds, false entry in bank records and obstruction of justice. **Discipline: Disbarment.** Attorney disbarred and required to pay costs of $835.52. *Bd. of Prof. Resp. v. Vidakovich*, 816 P.2d 885 (Wyo. 1991).

Attorney failed to respond to multiple inquiries from client who was the personal representative of an estate regarding proceeds from the sale of a house in the estate. Attorney deposited the proceeds from the sale of the house into the attorney's trust account and then diverted those funds to other

uses. Other rules violated: Rules 1.4, 1.5 and 1.15. **Discipline: Disbarment**. Attorney disbarred and ordered to reimburse the estate in the amount of $37,067.63, to refund $1,000 to the client and to pay an administrative fee of $500 and $3,112.28 in costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Shifrar*, 286 P.3d 1027 (Wyo. 2012).

While he was employed as a deputy county attorney, attorney presented forged paperwork to the county clerk in order to minimize the sales tax on two motorcycles he had purchased. When the fraud was discovered, attorney was charged with two felony counts of forgery. Attorney entered into a plea agreement for one count of felony forgery, and received two years of unsupervised probation as a first offender. Attorney's conduct violated Rules 8.4(b), (c) and (d). **Discipline: Disbarment.** Attorney disbarred and required to pay costs and an administrative fee totaling $1,001.65. *Bd. of Prof. Resp. v. Barnes*, 297 P.3d 77 (Wyo. 2013).

Attorney misappropriated nearly $700,000 from a trust of which she was the trustee. The beneficiary of the trust brought suit, which resulted in a civil judgment against attorney in the amount of $695,565.31 for funds attorney "misappropriated, fraudulently conveyed or used for her personal benefit." Attorney's conduct violated Rules 8.4(b), (c) and (d). **Discipline: Disbarment.** Attorney ordered to pay restitution to the beneficiary of the trust, along with costs and an administrative fee totaling $2,357.89. *Bd. of Prof. Resp. v. Vannoy*, 296 P.3d 926 (Wyo. 2013).

Attorney improperly charged more than $10,000 in personal expenses for airfare, lodging, rental cars, meals and other travel-related expenses to his law firm, a portion of which he billed to clients. Other rules violated: 1.5(a) and 4.1. **Discipline: Disbarment.** Attorney disbarred and ordered to reimburse his former firm in the amount of $10,077.33, and to pay $550.00 in costs and an administrative fee to the Wyoming State Bar. *Bd. of Prof. Resp. v. Schneebeck*, 302 P.3d 558 (Wyo. 2013).

Attorney abandoned practice, resulting in numerous client complaints and several claims being paid by the Clients' Security Fund. Other rules violated: 1.1, 1.3, 1.4, 1.5, 3.4. **Discipline: Disbarment**. Attorney stipulated to disbarment and entered into payment plan to reimburse Wyoming State Bar for $16,000 in Clients' Security Fund payments as well as $500 administrative fee and $50 costs. *Bd. of Prof. Resp. v. Powers*, 340 P.3d 997 (Wyo. 2014).

While serving as Albany County and Prosecuting Attorney, attorney was charged with multiple crimes, including Obtaining Property by False Pretenses, a felony, and Official Misconduct, a misdemeanor. Following a jury trial, attorney was convicted of both crimes, sentenced to prison for the felony convictions, and fined for felony and misdemeanor convictions. **Discipline: Disbarment**. Attorney stipulated to disbarment and ordered to pay administrative fee of $750 and $50 costs. *Bd. of Prof. Resp. v. Bohling*, 377 P.3d 792 (Wyo. 2016).

Attorney pled guilty to one felony count (deferred pursuant to W.S. § 7-13-301) and one misdemeanor conviction arising from attorney's wrongful conversion of funds from county bar association for which attorney served as the association's treasurer. Shortly after criminal charges were filed against attorney, the Wyoming Supreme Court issued an order immediately suspending attorney from the practice of law effective August 24, 2016, pending resolution of formal disciplinary proceedings against attorney. In stipulating to disbarment to be effective on the date of the court's order of immediate suspension, attorney admitted that his conduct violated **Rule 8.4(b)**

(commission of a criminal act that reflects adversely on the lawyer's honesty) and **Rule 8.4(c)** (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation). **Discipline: Disbarment**. Attorney ordered to pay administrative fee of $750 and $50 costs. *Bd. of Prof. Resp. v. Krone*, 418 P.3d 253 (Wyo. 2018).

Disciplinary proceedings in Utah against Wyoming-licensed attorney resulted in a determination that attorney was involved in numerous incidents of negligent representation of clients, trust account violations, ignoring a subpoena issued by a Utah agency, five DUI arrests in a 10-month period and a plea of guilty to a bad check charge relating to his trust account. As a result, attorney received a lengthy suspension in Utah. Following a reciprocal discipline hearing before the Wyoming Board of Professional Responsibility (BPR) to determine the appropriate sanction for attorney's misconduct, the BPR recommended that attorney be disbarred in Wyoming, Other rules violated: 1.1, 1.3, 1.4, 1.5, 1.15, 1.16, 8.1. **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,912.56 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Johnson*, 428 P.3d 457 (Wyo. 2018).

Attorney made fraudulent charges totaling $762.85 to the debit card of a deceased friend. Attorney also acted as the attorney for the personal representative of the deceased friend's estate and attempted to collect an unreasonable fee in the probate proceeding. Other rules violated: 1.5, 1.15, 3.1. **Discipline: Disbarment.** Attorney disbarred and ordered to pay an administrative fee of $750 and costs of $1,698.25 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Mears*, *Bd. of Prof. Resp. v. Mears*, 439 P.3d 1077 (Wyo. 2019).

Attorney entered into a consensual sexual relationship with a divorce client and failed to withdraw from the representation after the sexual relationship began. Attorney also advised client to conceal evidence of the relationship and led client to believe that attorney's personal relationship with the presiding judge would work to client's advantage in the divorce action. Attorney knowingly made a false statement of material fact to Bar Counsel regarding the existence of the sexual relationship after a complaint was filed by client's ex-spouse. Rules violated: 1.7(a), 1.8(j), 1.16(a), 3.4(a), 8.1(a), 8.4(d), 8.4(e). **Discipline: Disbarment.** Attorney ordered to pay administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Knudsen,* 444 P. 3d 72 (Wyo. 2019).

Attorney who was serving a one-year suspension for previous professional misconduct, failed to respond to a formal disciplinary charged filed by Bar Counsel. The formal charge related to attorney's conduct in two matters. In one of those matters, Bar Counsel alleged that attorney forged his clients' signatures to a settlement agreement and committed other violations of the rules of professional conduct in his handling of that case. In the other matter, attorney refused to cooperate with Bar Counsel's investigation of a complaint filed by one of attorney's other clients. Attorney defaulted on responding to the formal charge and the matter went to a hearing before the Board of Professional Responsibility (BPR) to determine an appropriate sanction for attorney's conduct. During the hearing, attorney admitted to forging his clients' signatures and committing other misconduct. Following the hearing, the BPR recommended attorney's disbarment to the Wyoming Supreme Court. Rule violated: 8.1(a), 8.4(b), 8.4(c). **Discipline: Disbarment.** In its order approv-

ing the BPR's recommendation and disbarring Pearce, the Court ordered Pearce to pay administrative fees in the amount of $1,500.00 and to reimburse the Wyoming State Bar for costs of the hearing. *Bd. of Prof. Resp. v. Pearce*, 467 P.3d 158 (Wyo. 2020).

Attorney lied to clients about the status of their cases, fabricated court documents and mishandled trust account funds belonging to the client as well as failing to respond to inquiries by the Wyoming State Bar's Office of Bar Counsel regarding her conduct. Rules violated: 1.3, 1.4, 3.2, 8.1, 8.4(b), (c) and (d). **Discipline: Disbarment.** In approving the stipulation of attorney and Bar Counsel for disbarment as the appropriate sanction for attorney's conduct, the Court ordered attorney to pay administrative fees in the amount of $1,500.00 and costs of $100.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Mathey*, 480 P.3d 1184 (Wyo. 2021).

Elected district attorney violated her duties of competence and diligence in numerous matters. Attorney also made misrepresentations to courts and to disciplinary counsel and failed to comply with court rules and directives. In numerous instances, attorney engaged in conduct prejudicial to the administration of justice. In finding that attorney's conduct warranted disbarment, the Court identified how attorney's conduct negatively impacted the public's perception of the criminal justice system when she placed blame on law enforcement for her own shortcomings and endeavored to circumvent public knowledge of her failures through false statements to the public and to disciplinary counsel. Similarly, attorney's failure to accept responsibility for her office's errors and her false statements placing blame on the courts reflected negatively on the judicial branch and conceivably engendered disrespect and a lack of public confidence in the courts. In addition, attorney's mass dismissal of hundreds of cases based on her mismanagement of the caseload and services of her office constituted conduct prejudicial to the administration of justice. The Court held attorney's actions were "a complete refusal to perform the duties imposed on her as the District Attorney." Rules violated: 1.1, 1.3, 3.3(a), 3.4(c), 8.1(a), 8.4(d). **Discipline: Disbarment.** Attorney was ordered to pay costs and administrative fees in the amount of $32,410.21 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Manlove*, 527 P.3d 186 (Wyo. 2023).

Attorney neglected two client matters, failed to communicate with the clients and committed acts of dishonesty with respect to both matters. Attorney did not dispute the allegations of a formal charge filed by Bar Counsel and failed to appear at a hearing to determine the appropriate sanction for his misconduct held before a hearing panel of the Board of Professional Responsibility. The Wyoming Supreme Court accepted and adopted the hearing panel's findings and its recommendation that attorney be disbarred. Hopkins was ordered to pay costs and administrative fees in the amount of $1,859.50 to the Wyoming State Bar. Rules violated: 1.3, 1.4 and 8.4(c). **Discipline: Disbarment.** Attorney was ordered to pay costs and administrative fees in the amount of $1,859.50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hopkins*, 527 P.3d 1219 (Wyo. 2023).

Attorney converted funds properly belonging to a guardianship/conservatorship to her own benefit, thereby breaching her fiduciary duty to the guardianship/conservatorship. In another case in which the attorney served as the lawyer for the estate of an elderly female client from whom the attorney had received hundreds of thousands of dollars, the attorney committed a theft of funds from the estate in violation of a court order for distribution of the estate. In so doing, the attorney defrauded the beneficiary of the estate, Wyoming Community Foundation, of substantial funds which should have been paid to the foundation. Rules violated: 1.15, 3.3, 3.4(c), 8.4(c). **Discipline: Disbarment**.

In its order of disbarment, the Court directed the attorney to pay restitution in the amount of $40,000.00 to Wyoming Community Foundation and to pay $4,128.99 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hanson*, 539 P.3d 391 (Wyo. 2023).

Attorney filed a lawsuit in federal court. After filing the lawsuit, Attorney had no further contact with his clients despite repeated calls and emails to him and took no further action in the case although he did not withdraw as the attorney of record. Shortly after the lawsuit was filed, the United States Supreme Court issued an opinion directly addressing the subject matter of the lawsuit. Opposing counsel wrote a letter to Attorney demanding that he voluntarily dismiss the lawsuit. Attorney did not respond to the letter and did not dismiss the lawsuit. Opposing counsel filed a motion to dismiss and a motion for sanctions. Attorney did not respond to either motion, virtually guaranteeing that the lawsuit would be dismissed, and did not communicate with his clients regarding the motions. After granting the motion to dismiss, the federal court issued an Order to Show Cause to Beduhn, to which he did not respond. The federal court ordered Beduhn to personally pay the opposing parties' attorneys' fees.

Two complaints were filed with the Office of Bar Counsel regarding Attorney's conduct. Attorney did not respond to either complaint despite repeated requests. Attorney did not respond to the formal disciplinary charge that followed. Rules violated: 1.1 (competence), 1.3 (diligence), 1.4 (communication), 3.1 (meritorious claims and contentions), 3.3 (candor toward the tribunal), 3.4 (fairness to opposing counsel), 8.1 (bar admission and disciplinary matters), and 8.4(d) (conduct prejudicial to the administration of justice). **Discipline: Disbarment.** Attorney was ordered to pay $1,435.14 in costs and administrative fees to the Wyoming State Bar. *Bd. of Prof. Resp. v. Beduhn*, 552 P.3d 371 (Wyo. 2024).

Attorney pled guilty plea to two second-degree felony counts of forcible sexual abuse. Cantrell was sentenced to a term of 180 days in jail, 48 months' probation, and other conditions. Rule violated: 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). **Discipline: Disbarment.** Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Cantrell*, 555 P.3d 487 (Wyo. 2024).

Attorney convicted of conspiracy to commit sales of unregistered securities, a felony under federal law. **Discipline: Suspension.** Attorney suspended. *Bd. of Prof. Resp. v. Elsom,* 187 P.3d 358 (Wyo. 2008).

Attorney counseled clients regarding how to unlawfully avoid tax consequences of interest earned from the settlement monies. Other rules violated: Rules 1.1, 1.2, 1.4, 1.5, 1.15, 3.1, 4.2. **Discipline: Suspension.** Attorney suspended for three years. *Bd. of Prof. Resp. v. Fulton*, 133 P.3d 514 (Wyo. 2006).

Attorney participated for a number of years in a diversion program aimed at rehabilitation, dating back to 2006, but was twice convicted of driving under the influence of alcohol during 2010. Concerns were also brought by a county court system and by clients that the attorney was not adequately representing clients in court proceedings. Other rules violated: Rules 1.1, 1.3, 1.4, 1.5.

**Discipline: Suspension.** Attorney suspended for one year and ordered to pay costs of $550. *Bd. of Prof. Resp. v. Anderson*, 261 P.3d 695 (Wyo. 2011).

Attorney was in possession of marijuana. Other rules violated: Rules 1.1, 1.2. **Discipline: Suspension.** Attorney suspended for one year and required to pay prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Cundy*, 201 P.3d 419 (Wyo. 2008).

Attorney pled guilty to the charge of Aiding and Abetting Delivery of a Controlled Substance, a felony. Attorney violated Rule 8.4(b). **Discipline: Suspension.** Attorney suspended for 18 months. *Bd. of Prof. Resp. v. Ingram,* 239 P.3d 647 (Wyo. 2010).

Attorney failed to diligently pursue a matter for a client and filed a motion with improper comments about a District Court Judge. Attorney violated Rule 8.4(g). Other rules violated: Rules 1.3, 8.2. **Discipline: Suspension.** Attorney suspended for two months and ordered to pay $6676.67 for the costs of the proceeding by the Wyoming State Bar as well as an administrative fee of $1000. *Bd. of Prof. Resp. v. Davidson,* 205 P.3d 1008 (Wyo. 2009).

Attorney represented one of the parties to a divorce action, and submitted an order dividing the parties' retirement funds to the court for filing without informing opposing counsel that she had done so. Attorney violated Rule 8.4(a)(d). Other rules violated: Rules 3.3(a)(1), 3.4(c). **Discipline: Suspension**. Attorney suspended for 30 days. Attorney required to pay the amount of $50 representing the costs for handling this matter as well as an administrative fee of $500. *Bd. of Prof. Resp. v. Dunn,* 272 P.3d 941 (Wyo. 2012).

Attorney filed a complaint on client's behalf but failed to pursue the matter with reasonable diligence. Attorney misled client as to progress on the case, including preparing a surreptitious answer and providing a copy to the client, representing that another law firm was defending the case when in fact that defendant had not been served with the complaint. Other rules violated: Rules 1.1, 1.3, 1.4 and 3.2. **Discipline: Suspension**. Attorney suspended for five years and ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Benham*, 283 P.3d 452 (Wyo. 2012).

Attorney representing a client in a divorce action neglected to obtain in the divorce decree a share of the retirement account that had accumulated during the client's marriage, resulting in $35,000 not being received by attorney's client. Attorney initially agreed to reimburse the client. When attorney failed to do so, the client submitted a complaint to Bar Counsel. After the disciplinary complaint was filed, attorney paid client the $35,000. As the disciplinary case proceeded, attorney began to exhibit substance abuse problems. Attorney, who had a history of substance abuse and prior public discipline, was charged with driving under the influence. While that charge was pending, attorney missed court appearances and appeared in court in an impaired condition, resulting in attorney's arrest. Other rules violated: 1.1, 1.3 and 1.4. **Discipline: Suspension.** Attorney suspended for one year and ordered to pay an administrative fee of $500 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jenkins*, 307 P.3d 826 (Wyo. 2013).

Attorney entered into a Legal Services Agreement (LSA) with client to represent client in a divorce action. The LSA provided that billing would be in one quarter hour minimum increments. The

LSA also authorized attorney to file a lien on all property of the client to secure fees and costs, and permitted attorney to "file and record this lien and/or file this agreement." Client paid attorney a $5,000 retainer, and attorney represented client through the first day of trial, after which the case was scheduled for a second day of trial six months later. In the interim, attorney withdrew from the case due to client's failure to pay more than $18,000 in legal fees and costs. Client completed the trial without the assistance of counsel. The ensuing decree of divorce identified certain real property as marital property and ordered the parties to sell it. After the decree was entered, attorney filed a "lien statement" with the county clerk which indicated client owed attorney $18,717.05. The lien statement identified the real property as being subject to a lien and attached as an exhibit a client ledger which set forth the tasks completed by attorney and her staff, the charges therefore and costs disbursed. Client's ex-husband, who was the record owner of the property, demanded that attorney withdraw the notice of lien. When attorney failed to do so the ex-husband complained to bar counsel. Bar counsel's investigation revealed that attorney committed improper billing practices in the case and had also filed confidential documents – attorney's fee agreement and detailed billing statement without the consent of the client – with the lien statement in violation of attorney's obligation of confidentiality to the client. Other rules violated: 1.5 and 1.9(c). **Discipline: Suspension.** Attorney entered into a stipulation in which she conceded that her conduct in filing the inaccurate lien statement violated Rule 8.4(c), which provides that it is professional misconduct for a lawyer to engage in conduct involving misrepresentation. Attorney stipulated to a 30 day suspension of her right to practice law. The Court approved the stipulation, issued a written opinion and ordered attorney to pay an administrative fee of $500 and costs of the disciplinary action to the Wyoming State Bar. *Bd. of Prof. Resp. v. Casper*, 318 P.3d 790 (Wyo. 2014).

Attorney's client, the prime contractor hired to perform an environmental impact assessment on a wind turbine project, was sued by a subcontractor to collect for consulting services rendered on the project. Following a jury verdict in favor of the subcontractor, the subcontractor moved for sanctions for repeated discovery violations by attorney's client. The court granted the motion, describing the pattern of discovery misconduct as "willful" and assessing more than $58,000 in sanctions against attorney's client. Hearing this evidence, the Board of Professional Responsibility found that attorney's conduct violated Rules 3.1, 3.2, 3.3 (candor to the tribunal), 3.4, 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and 8.4(d) (conduct prejudicial to the administration of justice). The Board concluded that attorney's conduct resulted in unnecessary expense and delay and attorney's client incurred over $250,000 in fees and expenses. **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented a limited liability company that undertook to construct three custom homes. Attorney's client was sued by a subcontractor who claimed to be owed money for work performed on one of the houses. Attorney filed an answer and counterclaim on behalf of the contractor, asserting that the subcontractor had breached its contractual obligations and seeking unspecified damages. After years of litigation for which attorney charged her client more than $125,000, summary judgment was entered in favor of the subcontractor in the amount of $441,000. In a subsequent decision dismissing the counterclaim attorney had filed, the court noted that it had made,

without success, "a continual and repeated effort in pretrial conferences (note the plural) and summary judgment motions to get the Defendant to simplify the issues by stating exactly what is being claimed and on what legal theory it relies." The Board of Professional Responsibility found that attorney's conduct in the case violated Rules 3.2, 3.3, 3.4, 8.4(c) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented the builder in a dispute between the builder and a homeowner over the cost of construction of a house. Attorney delayed and obstructed the litigation, including unreasonably delaying discovery and obstructing a court-ordered computer inspection. Attorney's conduct forced opposing counsel to file repeated motions to compel. Attorney disobeyed court orders to produce information. The Board of Professional Responsibility found that attorney's conduct in the case violated Rules 3.2, 3.4 and 8.4(c). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented the custodial parent, the mother, in a child custody and visitation dispute. Attorney filed a petition to suspend the father's visitation rights alleging, "A licensed professional counselor believes that [the father] has behaved in an abusive fashion towards the parties' minor children." Attorney prepared an affidavit for the licensed professional counselor which indicated that the counselor had interviewed the children and expressed the opinion that the father's behavior towards the children "creates concerns" that the father "is abusive to the children both emotionally and physically." At the hearing on the petition, the counselor testified that he had not seen the children in a professional capacity in eight years, that he performed no evaluation of the children and that contrary to his affidavit he had not interviewed the children. The counselor's testimony was ruled inadmissible by the court. The Board of Professional Responsibility found that attorney's conduct in the case violated Rules 3.1, 8.4(c) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney represented the plaintiff in a civil rights action. In a lengthy motion ruling, attorney was chastised by the court for her "ongoing failure" to adhere to deadlines, filing motions late, filing a brief in rough draft form shortly before midnight on its due date and later seeking to correct deficiencies in a supplemental filing, and asking for extensions of already-extended deadlines. The court, noting the difficulties presented to the defendants who are faced with reading, comparing, and preparing to respond to multiple versions of the same brief and the difficulties presented to

defense counsel in responding to Plaintiffs' moving-target opposition," held, "This practice illustrates a troubling and unmistakable pattern in [attorney's] approach to briefing." Upon review of the judge's decision, the Board of Professional Responsibility found that attorney's conduct violated Rules 3.1, 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney conducted direct examination in a video deposition. During opposing counsel's subsequent cross examination, attorney interrupted the proceedings and insisted that she be allowed to proceed with redirect examination because she had to leave. Opposing counsel objected but attorney persisted with her questioning. The judge was called and ruled that attorney could not proceed with redirect until opposing counsel had completed his cross examination. After the judge's ruling, attorney continued to demand that she be allowed to question the witness and that opposing counsel limit his questions to a specified time. The Board of Professional Responsibility found that attorney's conduct during the deposition violated Rules 3.4, 3.5 (impartiality and decorum of the tribunal) and 8.4(d). **Discipline: Suspension.** Attorney suspended for 3 years. ***Note***: This case involved significant litigation misconduct by the same attorney in seven underlying litigation matters. Attorney violated multiple rules in each of the seven cases. Attorney suspended for 3 years and ordered to reimburse the Wyoming State Bar for costs in the amount of $41,770.76 and pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Richard*, 335 P.3d 1036 (Wyo. 2014).

Attorney, a county attorney, received a private reprimand which included an order to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. Attorney submitted said items for payment by the county. A member of the public, believing the payment to be improper, submitted a complaint to Bar Counsel, who inquired of attorney as to the propriety of such payment. Attorney disclosed the new disciplinary complaint to the county commissioners but misrepresented the nature of the new complaint, requesting that the county pay for legal counsel to represent attorney in the new disciplinary inquiry. The county commissioners requested an outside opinion regarding the propriety of the payment, but attorney initially refused to grant authority for the retention of outside counsel. Other rules violated: 1.4, 1.7 and 1.8. **Discipline: Suspension.** Attorney stipulated to a 30 day suspension and agreed to reimburse the count of the administrative fee and costs associated with the earlier private reprimand. *Bd. of Prof. Resp. v. Argeris,* 341 P.3d 1030 (Wyo. 2014).

Attorney failed in professional obligations to two insurance company clients. As to one client, attorney failed to remit settlement funds to the insurance company and failed to respond to numerous demands for payment. As to the other client, attorney mishandled the insurance company's representation in ten different matters. The insurance company sued attorney and obtained a substantial default judgment against attorney. Other rules violated: 1.1, 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 3.2, 3.4 and 8.1. **Discipline: Suspension.** Attorney suspended for five years and ordered to reimburse the Wyoming State Bar for costs of $50 and administrative fee of $500. Before attorney can apply for reinstatement, he must take and pass the bar exam and show evidence of having made restitution to his insurance company client. *Bd. of Prof. Resp. v. Shreve*, 341 P.3d 370 (Wyo. 2014).

In 2007, attorney purchased a residential lot from a local couple for whom he performed occasional legal work both before and after the lot purchase. There were initial discussions about attorney having the couple build a custom home for him on the lot, but no agreement was reached and attorney ultimately purchased another residence but retained ownership of the lot. After their attorney-client relationship with attorney terminated, the couple complained to the city about the condition of attorney's lot, which was adjacent to the couple's home. In 2010, the city sent an abatement order to attorney which required him to remove the weeds on the lot within 15 days. The couple made further complaints in 2011, which resulted in a communication between attorney and an attorney for the city about the condition of the lot.

The day after attorney's conversation with the attorney for the city, attorney filed a lawsuit against the couple in district court. The lawsuit was brought in the name of a limited liability company, New Dehli Trading Co., created by attorney shortly before the suit was filed, to which attorney had conveyed ownership of the lot. In the lawsuit, attorney alleged that the couple had defrauded him in the sale of the lot, having assured him that a residence would be built on the property for $400,000.00 or less. The lawsuit sought recovery of actual and punitive damages.

The New Dehli lawsuit was ultimately dismissed for lack of prosecution in 2014, following which the couple filed a grievance against attorney with the Office of Bar Counsel. Following investigation, Bar Counsel filed a formal charge alleging that attorney had violated numerous Rules of Professional Conduct in filing and maintaining the lawsuit. Following a weeklong disciplinary hearing, the BPR found clear and convincing evidence that attorney had violated Rule 3.3(a) by making numerous false statements to the court in the New Dehli lawsuit, and further by offering evidence to the BPR that attorney knew to be false. The BPR also found that attorney violated Rules 3.4(c) and (d) in his conduct in the litigation, and that he violated Rule 4.4(a) by using means that had no substantial purpose other than to embarrass, delay or burden the couple against whom he brought the lawsuit. The BPR found that the New Dehli lawsuit was filed in retaliation against attorney's former clients for their repeated complaints to the city regarding atttorney's failure to maintain the lot, and should never have been filed. The BPR also found that attorney violated **Rule 8.4(c)** by engaging in conduct involving dishonesty, fraud, deceit or misrepresentation to the court, the couple and various attorneys hired by the couple to represent them in the New Dehli lawsuit. Finally, the BPR found that attorney violated **Rule 8.4(d)** by engaging in conduct prejudicial to the administration of justice. **Discipline: Suspension.** Attorney suspended for nine months, ordered to make restitution to his former clients in the amount of $11,641.17, to pay costs of the disciplinary proceedings in the amount of $25,247.99, and to pay an administrative fee of $500.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Stinson*, 370 P.3d 72 (Wyo. 2016).

Attorney convicted of misdemeanor contempt of court in connection with bankruptcy filing for a client in which the attorney knowingly failed to list a $25,000 bequest as a contingent asset. Attorney was suspended from practicing in bankruptcy court for two years. Attorney thereafter pled guilty to the misdemeanor offense of contempt of court. One of the terms of the sentence entered in federal court was that attorney was required to serve 45 days in jail. In disciplinary proceedings then brought by Bar Counsel, attorney stipulated that his conduct violated **Rule 8.4(b)** (engaging in criminal conduct that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects) and **Rule 8.4(c)** (engaging in conduct involving dishonesty, fraud, deceit

or misrepresentation). Following a hearing regarding the appropriate sanction, the BPR recommended attorney be suspended for 90 days with 45 days credit for jail time served. **Discipline: Suspension.** Attorney suspended for 90 days with 45 days credit for jail time served, ordered to pay costs of the disciplinary proceedings in the amount of $$6,927.54, and to pay an administrative fee of $750.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Goddard*, 418 P.3d 231 (Wyo. 2018).

Attorney made numerous false representations to Bar Counsel during the investigation of a complaint submitted by a former client. BPR found clear and convincing evidence that attorney made numerous misrepresentations and submitted false information to Bar Counsel, and repeated the same misconduct at the hearing. Other rules violated: 8.1. **Discipline: Suspension.** Attorney suspended for nine months; ordered to pay costs in the amount of $8,149.06 and administrative fee of $750.00. *Bd. of Prof. Resp. v. Mears,* 418 P.3d 829 (Wyo. 2018).

Attorney missed court deadlines and otherwise failing to comply with court rules in numerous matters over a several year period. Attorney, who had a significant disciplinary history including public censures in 2006 and 2009, agreed to the suspension and probationary terms which included the implementation of formal office policies and procedures and monthly reports to the Office of Bar Counsel regarding attorney's compliance with probationary terms. Other rules violated: Rules 1.1, 1.3. **Discipline: Suspension with Probation.** Attorney suspended for six months, with suspension stayed upon compliance with terms of probation. Attorney also ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Abraham*, 376 P.3d 483 (Wyo. 2016).

Attorney, who had a significant disciplinary history relating to substance abuse, self-reported following a third DUI arrest. Attorney voluntarily entered into a 5-year Monitoring Agreement with Wyoming Professional Assistance Program designed to monitor attorney's sobriety and assure his adherence to treatment recommendations related to his recovery. Attorney agreed to suspension and probationary terms. **Discipline: Suspension with Probation.** Attorney suspended for six months, with suspension stayed upon compliance with Monitoring Agreement. Attorney also ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jenkins*, 376 P.3d 477 (Wyo. 2016).

Attorney failed to comply with Wyoming statutes in the filing of a personal injury action, misled his client as to the status of the personal injury action and missed court deadlines in two separate matters. Rules violated: 1.1, 1.3, 1.4, 3.4(c), 8.4(c). **Discipline: Suspension.** Attorney suspended for one year and ordered to pay an administrative fee in the amount of $1,500.00 ($750.00 each for two separate disciplinary complaints) and costs of $100.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Pearce*, 446 P.3d 717 (Wyo. 2019).

Attorney represented client in a contract dispute. Client, a landscaping contractor, claimed that it was owed approximately $35,000 for work on a residential construction project. Attorney filed a lawsuit on behalf of the landscaping contractor against the homeowners seeking recovery of that amount. Homeowners filed a counterclaim against the landscaping contractor and a third-party claim against its owner. The lawsuit was eventually settled, with the landscaping contractor and its insurer paying $55,000 to the homeowners. Other rules violated: 1.3, 1.5, 3.3, 3.4(c). **Discipline: Suspension.** Attorney suspended for 90 days, ordered to refund $2,350.00 in unearned fees

to the client, and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Crawford-Fink*, 430 P.3d 323 (Wyo. 2018).

Attorney drafted a will for an elderly woman which named her daughter (attorney's client) as executrix and as a beneficiary and identified attorney as the elderly woman's lawyer and alternate executor. Attorney took such action despite the fact that attorney was aware that the elderly woman was the ward of Wyoming Guardianship Corporation (WGC). Attorney further took such action despite the fact that in the elderly woman's guardianship proceeding, the district court had recently denied attorney's motion to require WGC to allow the elderly woman to draft a new will. Rules violated: 1.7(a), 3.4(c), 8.4(d). **Discipline: Suspension.** Attorney agreed to a 90-day suspension, which was recommended to the Supreme Court by a Review Panel of the Board of Professional Responsibility. Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Pretty,* 462 P.3d 446 (Wyo. 2020).

Attorney's DWUI arrest was charged as a felony to which attorney pleaded guilty and was sentenced to not less than three years nor more than seven years in the custody of the State of Wyoming Department of Corrections. Rule violated: 8.4(b). **Discipline: Suspension.** Attorney, who had a significant disciplinary history relating to substance abuse, agreed to a 3-year suspension, which was recommended to the Supreme Court by a Review Panel of the Board of Professional Responsibility. In adopting the Review Panel's recommendation and ordering a 3-year suspension, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jenkins,* 479 P.3d 1268 (Wyo. 2021).

Following defendant's conviction at trial of sexual assault, the Wyoming Supreme Court reversed, finding broad-ranging misconduct by the prosecutor and abuse of discretion by the trial judge. On remand, prosecutor continued to display a lack of diligence and failed to comply with various court orders, resulting in prosecutor being removed from the case. In disciplinary proceedings that followed the resolution of the underlying criminal matter, a hearing panel of the Board of Professional Responsibility found that the prosecutor had violated a number of rules of professional conduct and recommended disbarment. In a 3-2 decision, the Wyoming Supreme Court agreed prosecutor violated several rules but held that other violations found by the BPR were not supported by clear and convincing evidence. The majority held that the lesser sanction of a suspension was warranted. Rules violated: 1.3, 3.2, 3.4 and 8.4(d). **Discipline: Suspension.** Attorney suspended from the practice of law for three years and ordered to pay administrative fees in the amount of $750.00 and costs of $29,827.09 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hinckley*, 503 P.3d 584 (Wyo. 2022).

Attorney was charged with two acts of domestic violence in Colorado. Attorney pleaded guilty to both charges and was placed on probation. Attorney thereafter completed domestic violence treatment he was required to undergo as a condition of probation. Attorney complied with all terms of his probation.

Attorney's criminal conviction in Colorado led to the initiation of disciplinary proceedings against Attorney by the Colorado Supreme Court's Office of Attorney Regulation. In the Colorado disciplinary proceeding, Attorney admitted that his conduct in the domestic violation incidents violated Colorado Rule of Professional Conduct 8.4(b), which states, "It is professional misconduct for a lawyer to … commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness

or fitness as a lawyer in other respects." Attorney agreed that a six-month suspension of his license to practice law was warranted. On December 28, 2021, an order was entered suspending Attorney from the practice of law in Colorado for a period of six months. Rule violated: 8.4(b). **Discipline: Suspension.** Attorney reported his Colorado suspension to the Office of Bar Counsel for the Wyoming State Bar. Following review of the Colorado proceedings, noting that Wyoming Rule of Professional Conduct 8.4(b) is identical to the Colorado rule, Bar Counsel agreed that a six-month suspension of Attorney's license to practice law in Wyoming was warranted. Attorney agreed and stipulated to a six-month suspension. The Board of Professional Responsibility (BPR) approved the stipulation and recommended that a six-month order of suspension be issued. In accepting the BPR's recommendation and suspending Attorney's license to practice law in Wyoming for a period of six months, the Wyoming Supreme Court ordered Attorney to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Throssel*, 505 P.3d 597 (Wyo. 2022).

Attorney represented a client who was sued following a fire at the client's place of business that resulted in damage to an adjoining business. Attorney failed to maintain communication with his client and with the client's insurer and missed several deadlines in the case, including deadlines to file responses to two critical motions. Attorney misled the insurance company regarding case developments and failed to communicate settlement offers to the client and the insurer. Attorney was eventually terminated and replacement counsel was hired, who shortly got the case settled. Rules violated: 1.2, 1.3, 1.4, 3.3, 4.1, 8.4(c). **Discipline: Suspension.** Attorney agreed to a three-year suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. In consideration of a number of aggravating and mitigating factors, including attorney's sustained and successful efforts at recovery from alcohol use disorder and other psychological problems, the review panel approved the stipulated, three-year suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Jerabek,* 519 P.3d 309 (Wyo. 2022).

Attorney failed to diligently pursue a client's divorce case and misled the client and attorney's supervising attorney as to the status of the case, including failing to inform them that the case was dismissed due to inaction by the attorney. Rules violated: 1.3, 1.4, 8.4(c). **Discipline: Suspension.** Attorney agreed to a six-month suspension, which was presented to a review panel of the Wyoming State Bar's Board of Professional Responsibility. The review panel approved the stipulated, six-month suspension and submitted a report and recommendation to that effect to the Wyoming Supreme Court. In adopting the review panel's recommendation, the Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Osten*, 519 P.3d 326 (Wyo. 2022).

Attorney failed to comply with a settlement agreement entered in November 2019 in which the parties agreed to a 12' wide easement. Throughout the case, opposing counsel tried without success to communicate with attorney, who was nonresponsive or did not take action required to comply with the agreement, requiring opposing counsel to perform work attorney had been ordered to do. The result was two motions to enforce the settlement agreement, two motions for order to show cause, and requests for monetary sanctions against attorney's client, all of which were granted. The settlement agreement was finally complied with in April 2023. Opposing counsel and the court

were required to expend great resources to enforce an agreement to which neither party objected but was not completed due to attorney's dilatory conduct. Rules violated: 1.3, 3.2, 3.4(c) and 8.4(d). **Discipline: Suspension.** The parties' stipulation for a 90-day suspension of attorney's license to practice law was approved by the BPR and was submitted to the Wyoming Supreme Court. In adopting the BPR's recommendation for a 90-day suspension, the Court ordered attorney to pay an administrative fee of $750.00 and costs in the amount of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hoard,* 565 P.3d 953 (Wyo. 2025).

Attorney represented a Wyoming resident in a debt collection matter. In the course of the representation, Attorney violated his duty of competence and diligence in addition to failing to communicate with his client. Attorney also made numerous unintentional misrepresentations to his client. Rules violated: 1.1, 1.3, 1.4, 8.4(c). **Discipline: Suspension.** Attorney agreed to a 3-month suspension, which was recommended to the Supreme Court by the Board of Professional Responsibility of the Wyoming State Bar. Attorney was ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Cobb*, 587 P.3d 113 (Wyo. 2026).

Attorney had a single-vehicle accident while driving under the influence of alcohol resulting in substantial damage to a fence. Attorney left the scene of the accident and returned to his house. When law enforcement personnel arrived at his house, attorney refused to cooperate and a physical altercation ensued as the peace officers attempted to place attorney under arrest. Attorney's blood alcohol was later determined to be .27. He was charged with DWUI, leaving the scene of an accident, and interference with a peace officer.

Attorney promptly self-reported to State Bar disciplinary authorities and his employer. Attorney pleaded guilty to DWUI and to interference with a peace officer, both misdemeanors. He was sentenced to thirty days in jail, two years' probation (the first year supervised) and ordered to pay $11,730.07 in restitution for the damage to the fence. Attorney has been fully compliant with his judgment and sentence. Attorney also voluntarily sought treatment and entered into a two-year monitoring agreement with Wyoming Professional Assistance Program to monitor his sobriety, at his sole expense.

In approving a stipulated motion for a public censure for violation of Rules 8.4(b) (criminal conduct that reflects adversely on a lawyer's fitness as a lawyer) and 8.4(d) (conduct prejudicial to the administration of justice), the Board of Professional Responsibility considered the nature of attorney's misconduct, which violated his duty to maintain personal integrity, and also considered applicable aggravating and mitigating factors. Aggravating factors included the presence of two misdemeanor offenses to which he pleaded guilty. Mitigating factors included the absence of a prior disciplinary record; timely good faith effort to make restitution or to rectify consequences of misconduct; full and free disclosure to Bar Counsel and a cooperative attitude toward proceedings; recovery from alcohol dependency as demonstrated by a meaningful and sustained period of successful rehabilitation; imposition of other penalties and sanctions; and remorse. **Discipline: Public Censure.** Attorney publicly censured and ordered to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Haderlie,* 353 P.3d 260 (Wyo. 2015).

Attorney misrepresented to a client that the attorney had actually performed all of the legal services in perfecting an appeal to the Wyoming Supreme Court and billed at the attorney's hourly rate for work done by an independent contract counsel. **Discipline: Public Censure.** Attorney publicly censured and required to attend additional CLE and pay some of the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Mulligan,* 162 P.3d 468 (Wyo. 2007).

Attorney filed a pro se complaint that included allegations the attorney knew to be false. Other rule violated: Rule 3.4. **Discipline: Public Censure.** Attorney publicly censured, required to attend additional ethics continuing education classes and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Cleveland,* 150 P.3d 184 (Wyo. 2007).

Attorney, on the application for admission to the Wyoming State Bar, stated that he had previously been arrested for assault and battery when in fact he had previously been arrested for assault and battery or assault with the intent to commit the crime of rape. Attorney, while representing an incarcerated defendant and in attempting to obtain her release, became argumentative with a justice of the peace and told the justice of the peace that unless his client was released from jail, either he or his client would sue the county, demand a jury trial, and cause everyone as much trouble and expense as he could. Other rule violated: Rule 4.4. **Discipline: Public Censure.** Attorney publicly censured and required to pay costs of $364.48. *Bd. of Prof. Resp. v. Jolley*, 805 P.2d 862 (Wyo. 1991).

Attorney made a derogatory remark to a juror who had been discharged following a mistrial in a first degree homicide case. He also made inappropriate comments to a member of the print media following the jury trial. Other rule violated: Rule 3.6. **Discipline: Public Censure.** Attorney publicly censured and required to reimburse the Wyoming State Bar $100 in costs and $500 administrative fee. *Bd. of Prof. Resp. v. Murray,* 143 P.3d 353 (Wyo. 2006).

Attorney represented a company that had been sued for damages and failed to disclose information related to insurance for his client as mandated by the initial disclosure requirements of the Wyoming Rules of Civil Procedure. Attorney misled opposing counsel into believing there was no insurance, and did not disclose the existence of insurance until after the settlement (which was paid by insurance) was reached. Attorney violated Rule 8.4(a)(c)(d). Other rules violated: Rules 3.1(c), 3.4. **Discipline: Public Censure.** Attorney publicly censured and required to pay $7445.90 in costs to the Wyoming State Bar. *Bd. of Prof. Resp. v. Stith*, 262 P.3d 847 (Wyo. 2011).

Attorney, who represented the wife in a divorce, drafted documents, including a property settlement agreement, that were presented by wife to husband, who was represented by counsel. Wife's attorney failed to advise the husband's counsel of those activities, though the attorney knew or reasonably should have known that there was s substantial risk the wife would present them to the husband. After the husband signed the documents without first having them reviewed by his lawyer, the wife's attorney assured the husband's counsel that he would not file with the court any of the documents the husband had signed without first obtaining his lawyer's approval or unless attorney received an order from the court announcing that opposing counsel was no longer serving as the husband's attorney. Thereafter, after giving notice to husband's attorney and at the specific direction of his client, attorney filed a motion for order acknowledging as valid and enforceable

the parties' settlement agreement. Attorney violated Rule 8.4(d). Other rule violated: 4.2. **Discipline: Public Censure.** Attorney publicly censured and required to pay the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Melchior*, 269 P.3d 1088 (Wyo. 2012).

Attorney failed to properly pursue a matter for his client, allowed the client to believe that claim letters had been sent and a complaint filed when they had not, told his client on several occasions that a mediation had been set up when it had not, and delayed transferring the file to a new attorney when requested to do so by the client. Other rules violated: Rules 1.3, 1.4. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Young*, Wyoming Supreme Court No. D-05-1 (not reported in P.3d).

Attorney failed and refused to comply with numerous discovery obligations in a construction litigation matter in which the attorney represented himself and other related entities. The conduct did not involve illegal conduct or moral turpitude. **Discipline: Public Censure.** Attorney publicly censured and required to pay some of the prosecution costs of the matter by the Wyoming State Bar. *Bd. of Prof. Resp. v. Elworthy*, Wyoming Supreme Court No. D-04-3 (not reported in P.3d).

Public defender represented a criminal defendant charged with first degree sexual abuse of a minor. The victim was the defendant's 7 year old niece. Public defender and district attorney negotiated a plea agreement which was signed by public defender and his client. Pursuant to the plea agreement, the defendant, who had multiple prior felony convictions, agreed to plead guilty to one count of First Degree Sexual Abuse of a Minor under 13 years of age. The State agreed to recommend a sentence of 12 to 22 years. Public defender agreed not to argue for a lesser sentence. After plea agreement but before sentencing, a $250,000 judgment was entered in favor of public defender's client in a personal injury action that had gone to trial before his arrest. Public defender then approached the victim's mother and offered a $15,000 cash payment, which public defender couched as "future restitution" to pay for counseling for the victim, in exchange for the agreement of the victim's parents not to recommend incarceration for public defender's client. The offer was conditioned upon the mother successfully persuading the district attorney to go along with the no-incarceration recommendation. Public defender later approached the victim/witness coordinator and told her he needed her help to "twist a victim's arm" to change a sentencing recommendation. The victim/witness coordinator was shocked by the statement, and reported it to the district attorney. The victim's parents rejected the offer, appeared at the sentencing hearing and spoke in favor of incarceration. The judge sentenced public defender's client within the plea agreement. Public defender's client never received any funds from the personal injury award, which went to pay attorney's fees and costs associated with the personal injury suit, with the balance being paid into court for the benefit of creditors. **Discipline: Public Censure.** The BPR found that public defender breached numerous duties he owed to the legal system when he presented a monetary inducement to the victim's mother as a "quid pro quo" to persuade her to change her sentencing recommendation. Although public defender couched the offer as "future restitution," he made no good faith effort to calculate the amount reasonably required for future counseling, nor did he attempt to comply with the statutory requirements for an award of future restitution. The BPR found that public defender's mental state evinced a willful disregard of his duties to the administration of justice, and that public defender's conduct resulted in both real and potential injury to the public, the legal system and the profession. The Wyoming Supreme Court adopted the BPR's recommendation and issued a public censure to public defender for violating Rule 8.4(d). Public defender

was ordered to complete four hours of continuing legal education on the subject of ethics, to reimburse the Wyoming State Bar the amount of $11,897.60 for costs associated with the disciplinary proceeding, and to pay an administrative fee of $500.00. *Bd. of Prof. Resp. v. Custis,* 295 P.3d 334 (Wyo. 2012).

Attorney's husband, while receiving Social Security Disability benefits, performed construction-related odd-jobs, the income from which he was required to report to the Social Security Administration, but he did no. Attorney told co-workers that her husband's income had to be run through an entity called Baker Contracting of which attorney was the owner. The joint income tax returns filed by attorney and her husband included a Schedule C that reported revenues and expenses for a business called Baker Contracting. Each of the Schedule C's listed attorney as the proprietor of Baker Contracting and described the principal business of Baker Contracting as "attorney/contractor construction." The tax returns were prepared by attorney's husband and filed electronically. Attorney did not participate in their preparation nor did she review them before they were filed. An investigation by the Social Security Administration revealed that attorney's husband had failed to make the disclosures required by law for recipients of Social Security Disability benefits. Attorney's husband pled guilty to one count of violating 42 U.S.C. § 408(a)(4), a felony, and was sentenced to two years' supervised probation and was ordered to pay restitution in the amount of $84,605. **Discipline: Public censure.** Attorney stipulated that her complicity in her husband's withholding of disclosure of his earnings from the Social Security Administration constituted a breach of Rule 8.4(c). Attorney ordered to pay administrative fee of $500 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Baker*, 326 P.3d 162 (Wyo. 2014).

In a criminal appeal, attorney filed a brief that misrepresented the testimony of an important witness. When the misrepresentations were brought to the Wyoming Supreme Court's attention, the Court sanctioned attorney $500 and ordered him to file a corrected brief. Following investigation of the matter by Bar Counsel a disciplinary hearing was held before the Board of Professional Responsibility (BPR). The BPR determined that attorney's conduct violated Rule 3.3 (duty of candor toward the tribunal), Rule 5.3 (responsibilities regarding nonlawyer assistants), Rule 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and Rule 8.4(d) (conduct prejudicial to the administration of justice). **Discipline: Public Censure.** Attorney was ordered to pay an administrative fee of $500 and costs in the amount of $1,827.72 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Custis*, 348 P.3d 823 (Wyo. 2015).

Attorney neglected to pursue a litigation matter diligently and failed to maintain adequate communication with his client, including not informing his client when the court awarded sanctions in the form of attorneys' fees against the client and ultimately dismissed the case for non-compliance with the court's discovery orders. Attorney violated Rule 8.4(c) (conduct involving misrepresentation). Other rules violated: 1.3, 1.4. **Discipline: Public Censure.** Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Dart*, 418 P.3d 243 (Wyo. 2018).

Attorney, an employee of a county attorney's office, made misleading statements to a law enforcement officer regarding the place of residence of a female registered sex offender who resided with attorney for approximately one week. When questioned by the law enforcement officer, who was investigating possible violations of the Wyoming Registered Sex Offender Act by the woman, attorney denied that the woman had ever resided with him. After the woman was charged with

violating the Act, attorney disclosed his misrepresentations to the Wyoming State Bar. Attorney stipulated that such conduct violated Rules 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and 8.4(d) (conduct prejudicial to the administration of justice) of the Wyoming Rules of Professional Conduct. **Discipline: Public Censure.** Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. DeLeon*, ____451 P.3d 769 (Wyo. 2019).

Attorney had two separate DUI arrests, one in Grand Teton National Park and the other in Casper. On both occasions, attorney had a breath alcohol content of more than twice the legal limit. Following the Grand Teton National Park arrest, attorney undertook voluntary treatment with an addiction therapist. Attorney later pleaded guilty and was sentenced to one year of unsupervised probation on the condition that he not use or possess alcohol or enter any establishment whose primary source of income derives from the sale of alcohol. Attorney was ordered to continue treatment with his addiction therapist.

Less than one month after his sentencing, attorney had another DUI arrest in Casper, after which he voluntarily entered into a two-year monitoring agreement with Wyoming Professional Assistance Program to monitor his sobriety at his sole expense. He also continued in treatment with his addiction therapist. For the Casper DUI, attorney was sentenced to 15 days in jail and assessed $505.00 in court costs and payment to the victim's compensation fund.

In approving attorney's stipulated motion for a public censure for violation of Rule 8.4(b), a Review Panel of the Board of Professional Responsibility considered the nature of attorney's misconduct, which violated his duty to maintain personal integrity, and also considered applicable aggravating and mitigating factors. Aggravating factors included the presence of two DUIs to which he pleaded guilty. Mitigating factors included the absence of a prior disciplinary record; timely good faith effort to rectify consequences of misconduct; full and free disclosure to Bar Counsel and a cooperative attitude toward proceedings; recovery from alcohol dependency as demonstrated by a meaningful and sustained period of successful rehabilitation; and imposition of other penalties and sanctions. **Discipline: Public Censure**. Attorney ordered to pay an administrative fee of $750 and costs of $50 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hambrick*, 465 P.3d 459 (Wyo. 2020).

Attorney failed to comply with discovery in representing a client in a medical malpractice case. Attorney failed to timely comply with discovery requirements including an order compelling compliance. As a result, the court assessed sanctions against attorney in excess of $15,000 for the attorneys' fees incurred by the other side in seeking to enforce compliance with discovery. **Discipline: Public Censure.** Attorney stipulated that his conduct constituted a violation of Rule 3.4(c) (failure to comply with rules of the tribunal), Rule 3.4(d) (failure to cooperated with discovery) and Rule 8.4(d) (conduct prejudicial to the administration of justice). Court ordered attorney to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar. *Bd. of Prof. Resp. v. Hopkins,* 475 P.3d 263 (Wyo. 2020).

Attorney represented himself and his wife in proceedings before an administrative tribunal and in court proceedings. Other rule violated: Rule 3.7. **Discipline: Private Reprimand.** Attorney consented to a private reprimand and agreed to pay an administrative fee of $500 and costs of $50 to the Wyoming State Bar.

Attorney drafted an order that contained the words "Circuit Court Witch" under the signature line for the Circuit Court Judge. The order was drafted as a joke but was inadvertently printed by the attorney and submitted to the judge by mistake. The attorney did not discover the mistake until the judge reported the matter to the Wyoming State Bar. Attorney violated Rule 8.4(d). **Discipline: Private Reprimand.** Attorney required to pay costs of $50 and an administrative fee of $500.

Attorney filed an expert designation that inaccurately represented that the attorney had retained an expert and the summary of his opinion. Other rule violated: Rule 3.3. **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay costs in the amount of $56.51 and the administrative fee of $500.

Attorney attached an adverse party's signature page from one settlement agreement to a different settlement agreement and filed the different settlement agreement with the court. Attorney violated Rule 8.4(d). **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay costs in the amount of $50 and an administrative fee of $500.

Attorney made demeaning comments reflecting the attorney's personal and religious feelings against gay couples being foster parents in the presence of several individuals, including the foster parent and the attorney's client, the foster child's natural parent. In making these comments, the attorney was not speaking for the client, as the client did not share the views expressed by the attorney. Such conduct on the part of the attorney violated Rule 8.4(d). Other rule violated: Rule 4.4(a). **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay cost in the amount of $50 and an administrative fee of $500.

Attorney failed to appear at a hearing in a civil matter in one court because she was occupied with a juvenile proceeding in a different court. After the first court granted relief against her client, attorney filed a motion to set aside the order on the grounds that she was occupied with another matter in juvenile court. In support of the motion, attorney attached a calendar sheet showing the juvenile hearing that detained her in the second court. The calendar sheet contained the names of several juveniles, including the one in the case that kept attorney from getting to the hearing on time. Attorney did not file the attachment under seal or otherwise seek to protect the information contained on the sheet, which is confidential by Wyoming statute. Other rule violated: Rule 3.4(c). **Discipline: Private Reprimand.** Attorney required to pay $500 administrative fee and $50 costs.

Attorney arrested following a DWUI stop of a vehicle in which the attorney was a passenger. Attorney, who was clearly inebriated, acted in a bellicose, verbally hostile and at times physically noncompliant manner toward the law enforcement officer, resulting in a disruption of the officer's duties. Attorney was arrested for interference with a peace officer and violation of the open container law, charges to which attorney later pleaded guilty. The Review and Oversight Committee determined that attorney's conduct violated Rule 8.4(d) (conduct prejudicial to the administration of justice) of the Wyoming Rules of Professional Conduct, as well as Rule 18(b) of the Wyoming Rules of Disciplinary Procedure, which requires attorneys to report criminal convictions of this type to the Office of Bar Counsel of the Wyoming State Bar. **Discipline: Private Reprimand.** Attorney ordered to write a letter of apology to the law enforcement officer and to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney received certain funds into the lawyer's IOLTA client trust account and then distributed the funds to attorney's clients and to pay legal fees. Those payments were in conflict with a final district court order. Attorney failed to give notice of receipt of the funds to third parties who claimed an interest in the funds. Other rules violated: 1.15, 3.4(c). **Discipline: Private Reprimand.** Attorney privately reprimanded and required to pay administrative fee of $750 and costs of $50 to the Wyoming State Bar.

Attorney negotiated settlement in a civil action which required attorney's client to pay $25,000 to the opposing party. Before the settlement was consummated, attorney received a notice of garnishment from opposing party's judgment creditor which required the payment of approximately $10,000 to judgment creditor. When the parties exchanged settlement documents, attorney paid the garnishment from the $25,000 settlement, paying the balance in cash to opposing party. Opposing party moved successfully to set aside the settlement, with the court holding that the existence of the garnishment was a material fact which opposing party had a right to know of during the settlement negotiations. Opposing party's lawyer submitted a complaint to the Office of Bar Counsel. Following investigation of the complaint, attorney admitted that he violated Rule 8.4(d) (conduct prejudicial to the administration of justice) in failing to disclose the existence of the garnishment to the opposing party. **Discipline: Private Reprimand.** Attorney privately reprimanded and ordered the attorney to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney represented the father in child custody modification proceedings. Attorney failed to serve adequate responses to discovery requests and failed to comply with court orders relating to discovery, as a result of which attorney's client was prohibited from offering exhibits or calling a witness other than himself at trial. Client was also ordered to pay a portion of the opposing party's attorney's fees incurred in bringing the discovery motions. Though acknowledging that the presumptive sanction for attorney's misconduct is a public censure, the ROC found that a downward departure was appropriate owing to certain mitigating factors. Other rule violated: 3.4(c). **Discipline: Private Reprimand**, conditioned upon attorney's payment of the attorney's fee award that had been assessed against client by the trial court. Attorney required pay administrative fee of $750 to the Wyoming State Bar.

Attorney delayed, by more than a year, entry of judgment and sentence following the trial court's acceptance of a criminal defendant's change of plea. **Discipline: Private Reprimand.** Other rule violated: 1.3. Attorney ordered to pay an administrative fee of $750.00 and costs of $50.00 to the Wyoming State Bar.

Attorney was reprimanded and sanctioned by a judge for making a negligent but material misrepresentation in a pleading submitted to the court. Rules violated: 3.1(b), 8.4(d). **Discipline: Private Reprimand.** Attorney ordered to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

Prosecutor argued facts that were not in evidence and used inflammatory language in closing argument. Rules violated: 3.4, 8.4(d). **Discipline: Private Reprimand.** Attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

Prosecutor made statements in closing argument that amounted to an improper, personal attack on defense counsel and made statements that tended to inflame the jury's passions and prejudices. Rules violated: 3.4, 8.4(d). **Discipline: Private Reprimand.** Attorney agreed to the private reprimand and to pay an administrative fee in the amount of $750.00 and costs of $50.00 to the Wyoming State Bar.

**Rule 8.5. Disciplinary Authority; Choice of Law**

**(a)** ***Disciplinary Authority*****. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs. A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.**

**(b)** ***Choice of Law*****. In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:**

> **(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and**
>
> **(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.**