

Wyoming State Bar Board of Officers & Commissioners Meeting

September 16, 2016

Marian H. Rochelle Gateway Center

Laramie, Wyoming

In Attendance: John A. Masterson, President; Robert C. Jarosh, President-Elect; Dawnessa A. Snyder, Vice President; Weston T. Graham, Treasurer; Melinda S. McCorkle, First Judicial District Commissioner; Kelly M. Neville, Second Judicial District Commissioner; Teresa S. Thybo, Third Judicial District Commissioner; Bobbi D. Overfield, Fifth Judicial District Commissioner; James L. Edwards, Sixth Judicial District Commissioner; J. Kenneth Barbe, Seventh Judicial District Commissioner; Nathaniel S. Hibben, Eighth Judicial District Commissioner; Erika M. Nash, Ninth Judicial District Commissioner; Devon P. O'Connell, Immediate Past President; Bradley D. Bonner, Past President; Sharon Wilkinson, Executive Director; and Mark Gifford, Bar Counsel

Absent: Nicholas T. Haderlie, Fourth Judicial District Commissioner; Caitlin F. Young, Young Lawyers Section President

Guests: Alisa Rosales, Chair of the Diversity & Inclusion Committee

President John Masterson called the meeting to order at 8:50 a.m. on Friday, September 16, 2016.

Diversity & Inclusion Committee

President Masterson introduced Alisa Rosales, Chair of the Diversity & Inclusion Committee, and asked her to give an update on the activities of her committee.

Ms. Rosales shared that she had received direction from this Board to provide a comprehensive report and somewhat of a strategic plan her committee could follow moving forward. In response to the Board's request to learn of ABA-sanctioned organizations devoted to diversity and inclusion, Ms. Rosales shared that the ABA's sanctioned groups are more about individual groups with more of a focus on LGBT and/or Hispanic issues.

Ms. Rosales reported that she has spent the summer reviewing the Inclusivity Manual provided by the Center for Legal Inclusiveness, and she has encouraged her committee to work through the manual as well. Ms. Rosales shared that other bar associations are hiring full-time staff members to address diversity and inclusion issues. Nebraska added staff 15 years ago.

Ms. Rosales shared that she has a meeting with her committee this afternoon.

President Masterson asked Ms. Rosales what steps Wyoming should be taking to address diversity and inclusion issues. Ms. Rosales shared that she is focused on getting her committee members and this Board more training so we can infuse these ideas into everything the Bar does.

Commissioner Nash asked for clarification as to what the specific focus was - ethnicity, sexuality, gender? Ms. Rosales clarified that diversity and inclusion covers those things Commissioner Nash mentioned but also includes things such as spiritual beliefs, first generation lawyers, geographic placement, etc. She shared that the question we should continue to ask ourselves is, "As people move to Wyoming, how are we going to ensure that they feel included?"

Mark Gifford, Bar Counsel, asked if the committee has had a chance to discuss a mission statement or strategic plan. Ms. Rosales shared that she wanted the committee to go through some basic language training first prior to developing a mission statement or plan.

Commissioner Hibben asked Ms. Rosales what it means to infuse everything the Bar does with diversity and inclusion. Ms. Rosales shared that she feels the Bar's leadership and members need some training to remove bias. For example, the Bar's website cannot be read by those who are visually impaired. She encouraged the Board to adopt an, "Is there a group that is missing?" mindset.

After much discussion Ms. Rosales shared that she is unaware of an alternative to the Center for Legal Inclusiveness (CLI) like the Board requested. Immediate Past President O'Connell asked Ms. Rosales if CLI and its training is not funded by this Board, where would the committee go from here. Ms. Rosales shared that she would have to brainstorm with her committee and start from scratch.

Mark Gifford shared with Ms. Rosales that the Wyoming State Bar has recently adopted a *Keller* policy. He expressed concern about the inability to have a policy discussion in the context of the new *Keller* policy because the committee has not shared any tangibles.

Ms. Rosales shared that one tangible she would like to see is the "Diversity & Inclusion 101 Training" that is taking place this morning as a webinar for the entire Bar membership.

Immediate Past President O'Connell clarified for the Board that it is her understanding that the Diversity & Inclusion Committee would like this training as well as the membership in CLI to help it form a plan to move forward. The committee is hoping for some foundational information to form a strategic plan and help guide the Bar through diversity and inclusion issues.

Ms. Rosales asked the Board to renew its membership with CLI and make sure that the committee provides some training to the entire Bar. Commissioner Nash suggested that Ms. Rosales come back to this board with suggestions.

Immediate Past President O'Connell reminded the Board that the proposed amount in next year's budget is \$500. \$250 of that could be used for the CLI membership, which includes the manual and training from CLI's Executive Director.

Ms. Rosales left the meeting. President Masterson asked Mr. Gifford if there were some *Keller* concerns. Mr. Gifford again shared that it all depends on what activities the committee will be involved in in the future.

After much discussion, the meeting was adjourned so that the Board could attend the Diversity & Inclusion Committee training.

The meeting was reconvened at 1:48 p.m.

President Masterson shared that during the break there was a suggestion to pass a resolution expressing support for diversity and inclusion. The resolution would indicate that steps will be taken to investigate the best way to go about implementing any program that would benefit the membership consistent with the culture and the needs of the state of Wyoming. President Masterson asked for the Board members' thoughts.

Commissioner Overfield shared that she was impressed with Karen Hester's training and found it enlightening. Commissioner Thybo agreed about Karen's presentation.

Commissioner Edwards wondered about inviting Karen Hester to the November Board meeting. Mark Gifford agreed and mentioned that today's training was geared towards law firms. He wondered if she could come and focus a talk geared towards bar associations.

Commissioner Nash wondered if we couldn't task our ABA Delegates with researching this issue and bringing some information back to the board.

Mark Gifford drafted a resolution and shared it with the Board. Commissioner Edwards made a motion to approve the resolution. Commissioner Thybo seconded the motion. There was discussion about gathering information from the ABA. Commissioner Thybo, as the liaison to the committee, said she would be willing to work with the ABA Delegates to bring back information. The motion carried.

RESOLUTION

WHEREAS, the Board of Officers and Commissioners is committed to diversity and inclusion in the professional practice of law and the delivery of legal services to the public, as evidenced most recently by the Board's creation of a Diversity and Inclusion Committee to provide guidance to the Board with respect to diversity and inclusion issues; and

WHEREAS, after creation of the Diversity and Inclusion Committee, the Bylaws of the Wyoming State Bar were amended by the Court to provide that the Bar shall not use the

license fees of its members to fund activities of a political or ideological nature that are not reasonably related to:

- (1) the regulation and discipline of attorneys;
 - (2) matters relating to the improvement of the functioning of the justice system;
 - (3) increasing the availability of legal services to the public;
 - (4) the education, ethics, competence, integrity, and regulation of the legal profession;
- and
- (5) any other activity authorized by Court rule or law; and

WHEREAS, the Board agrees that further study is required in order to reconcile the Board's diversity and inclusion efforts with the requirements of the above-cited bylaws provision.

NOW, THEREFORE, the Board of Officers and Commissioners hereby RESOLVES to investigate, discuss and more fully develop Board policy with respect to the goals, mission and strategic plan of the Diversity and Inclusion Committee; and it is further

RESOLVED that the activities of the Diversity and Inclusion Committee shall be stayed pending further Board action as outlined herein.

2016 – 2017 Proposed Budget

Treasurer Graham reminded the Board that there were some adjustments made to the proposed budget at the Hulett meeting. Commissioner Hibben made a motion to approve the proposed budget for the 2016 – 2017 fiscal year. Commissioner Nash seconded the motion. The motion carried unanimously.

Member's Request for Active Status

Executive Director Wilkinson reminded the Board that a member who has held Inactive status since 1999 has requested to return to Active status. She reminded the Board that the current Bylaws of the Wyoming State Bar require members who have held Inactive status for more than seven years to go through the admissions process again. The Bylaws also allow for a member to ask this Board to waive that requirement. After review of the member's written request, Commissioner Nash made a motion to permit Colleen Coebergh's request to return to active status without having to take the Bar exam. Commissioner McCorkle seconded the motion. The motion carried unanimously.

Optional Contribution for Equal Justice Wyoming Foundation

Executive Director Wilkinson shared that she serves as ex-officio member of the Equal Justice Wyoming Foundation (EJWF) Board. The Board met earlier in the week and a request was made to increase the recommended amount on the license fee statement for the contribution to EJWF from \$50 to \$150. Executive Director Wilkinson said she would bring the request to this Board for its consideration. She shared that there is also another optional contribution on the license fee statement for the Wyoming Lawyer Assistance Program (WyLAP). She shared

that if the Board is going to approve an increase to one, she prefers to increase both suggested amounts.

There was discussion about the concern that \$150 may be too high, and the increase may have some unintended consequences of members not contributing at all.

After much discussion, Commissioner McCorkle made a motion to increase the suggested amount of contributions to Equal Justice Wyoming Foundation and to WyLAP to \$75 on the 2016 – 2017 license fee statement. Commissioner Edwards seconded the motion. The motion carried unanimously.

President Masterson adjourned the meeting at 2:57 p.m. on Friday, September 16, 2016.

Minutes Submitted by:

Sharon Wilkinson
Executive Director