

CONTINUED ON BACK

House of Intro				Second House			
To Com. No. _____				To Com No. _____			
_____	Stand Report	Do	Amd Not	_____	Stand Report	Do	Amd Not
_____	Com Whole	Do	Amd Not	_____	Com Whole	Do	Amd Not
_____	2nd Reading	Amd		_____	2nd Reading	Amd	
_____	3rd Reading	Amd	Pass Fail	_____	3rd Reading	Amd	Pass Fail

1991

STATE OF WYOMING

91LSO-0838.01

HOUSE BILL NO. 0374

Attorneys-at-law.

Sponsored by: Representative(s) BEBOUT, PHELAN, DON SULLIVAN
and TIPTON and Senator(s) APPLEGATE, PERRY and YORDY

A BILL

for

1 AN ACT to amend W.S. 33-5-101, 33-5-102, 33-5-104 through
2 33-5-106, 33-5-110 and 33-5-116(a); and to repeal W.S.
3 33-5-103, 33-5-108, 33-5-109, 33-5-111, 33-5-112 and
4 33-5-115 relating to attorneys-at-law; renaming the state
5 board of law examiners as the state board of bar admis-
6 sions; providing procedures and requirements for admission
7 to the bar; providing rulemaking authority; providing
8 licensure procedure; deleting specified provisions regard-
9 ing the practice of law; and providing for an effective
10 date.

11 Be It Enacted by the Legislature of the State of Wyoming:

- 1 -

**NO SIGNIFICANT FISCAL OR
PERSONNEL IMPACT AT STATE LEVEL**

HB 374

1 Section 1. W.S. 33-5-101, 33-5-102, 33-5-104 through
2 33-5-106, 33-5-110 and 33-5-116(a) are amended to read:

3 33-5-101. State board of bar admissions; composition;
4 qualifications and term of members; vacancies. The state
5 board of ~~law-examiners~~ BAR ADMISSIONS shall consist of NOT
6 LESS THAN five (5) AND NOT MORE THAN SEVEN (7) members of
7 the bar of at least five (5) years standing, ~~who~~ ALL OF
8 WHOM shall be appointed by the supreme court, and shall
9 hold office for the term of three (3) years; provided,
10 that not more than one (1) member shall be appointed from
11 the same judicial district. In case a vacancy shall occur
12 by death, resignation or otherwise, the same shall be
13 filled by appointment by the court for the remainder of
14 the term of the member whose place has become vacant.
15 Removal of a member from the district in which he resided
16 when appointed shall be construed as creating a vacancy.

17 33-5-102. State board of bar admissions; date, rules
18 and quorum for meetings; election of officers; examina-
19 tions to be in writing; supreme court to prescribe rules.
20 The state board of ~~law-examiners~~ BAR ADMISSIONS shall hold
21 at least two (2) regular meetings each year for the exami-
22 nation of applicants, at times and places as prescribed by
23 rules of the supreme court. Special meetings may be held

1 as determined by the board from time to time. At all meet-
2 ings, a majority of the board constitutes a quorum. The
3 board shall select a chairman and secretary from its mem-
4 bership. ~~All--examinations-shall-be-in-writing-upon-ques-~~
5 ~~tions-prepared-or-approved-by-the-board.~~ The supreme court
6 shall prescribe rules not inconsistent with this act to
7 carry out the purposes of this act and secure a system of
8 uniform examination for admission to the bar of this
9 state.

10 33-5-104. Applications for admission to bar; gener-
11 ally. All applications for admission to the bar of this
12 state shall be made by petition to the supreme court. The
13 same shall be referred to the state board of law-examiners
14 BAR ADMISSIONS, who shall examine the applicant vouching
15 his qualification for admission to the bar. The said-board
16 ~~shall--report-its-proceedings-in-the-examination-of-appli-~~
17 ~~cants-to-the~~ supreme court with--their--recommendation--in
18 ~~the--premises,--If-the-court-shall-then-find-the-applicant~~
19 ~~to-be-qualified-to-discharge-the-duties-of-an-attorney-and~~
20 ~~to-be-of-good-moral-character,--and-worthy-to-be--admitted,~~
21 ~~an-order-shall-be-entered-admitting-him-to-practice-in-all~~
22 ~~the-courts-of-this-state~~ SHALL ADOPT RULES AND REGULATIONS
23 NOT INCONSISTENT WITH W.S. 33-5-101 THROUGH 33-5-117 RELA-

1 TIVE TO THE ADMISSION OF ATTORNEYS TO THE BAR.

2 33-5-105. Applications for admission to bar; qualifi-
3 cations of applicants. No one shall be admitted to the bar
4 of this state who shall not be ~~an-adult-citizen-of-the~~
5 ~~United-States,-a-bona-fide-resident-of-this-state,-and~~ a
6 person of good moral character. ~~No-one-shall-be-examined~~
7 ~~unless-he-shall-give-satisfactory-evidence-of-having-stud-~~
8 ~~ied-law-at-least-three-(3)-years-in-a-law-school--approved~~
9 ~~by--the-state-board-of-law-examiners,-or-shall-give-satis-~~
10 ~~factory-evidence-of-having-attended-a-law-school-as-herein~~
11 ~~provided-for-a-period-of-at-least-one--(1)--year,-and--in~~
12 ~~addition--thereto--shall-have-studied-law-at-least-two-(2)~~
13 ~~years-in-the-office-of-a-member-of-the-bar,-or-one-(1)--of~~
14 ~~the--judges-of-this-state,-or-shall-give-satisfactory-evi-~~
15 ~~dence-of-having-attended-a-law-school-as--herein--provided~~
16 ~~for--a--period--of--two-(2)-years,-and-in-addition-thereto~~
17 ~~shall-have-studied-law-at-least-one-(1)-year-in-the-office~~
18 ~~of-a-member-of-the-bar,-or-one-(1)-of-the-judges--of--this~~
19 ~~state.---Said--study--must--have--been--actually--and--not~~
20 ~~constructively-commenced-and-continued~~ AND HAS ATTAINED
21 EDUCATION REQUIREMENTS AND TRAINING EXPERIENCE IN COMPLI-
22 ANCE WITH RULES PROMULGATED BY THE SUPREME COURT.

23 33-5-106. Applications for admission to bar; fees;

1 applicant entitled to two examinations; certificate of
2 admission; disposition of fees. Every applicant for admis-
3 sion to the bar of this state shall pay a fee ~~of one--hun-~~
4 ~~dred-dollars-(\$100.00)~~ DETERMINED BY THE SUPREME COURT NOT
5 TO EXCEED TWO HUNDRED DOLLARS (\$200.00) TO COVER THE REA-
6 SONABLE COSTS OF EXAMINATION AND BAR ADMISSION at the time
7 of filing the application. ~~On payment of one--(1)--fee--by~~
8 ~~applicants--for--admission--by--examination--the--applicant~~
9 ~~shall-be-entitled-to-two-(2)--examinations-when-the--second~~
10 ~~is--applied--for--not-later-than-one-(1)--year-after-having~~
11 ~~taken-the-first--The-payment-of-the-fee-shall-also-entitle~~
12 ~~the-applicant,--upon-being-admitted,--to--a--certificate--of~~
13 ~~admission.--All--money--shall-be-received-and-collected-as~~
14 ~~provided-by-law--The-state-treasurer-shall-place-the-money~~
15 ~~to-the-credit-of-an-account-within-the--earmarked--revenue~~
16 ~~fund--~~

17 33-5-110. Admission of foreign attorneys. Any person
18 who may have been admitted to practice as an attorney in
19 the highest court of any other state or territory, and who
20 shall have been engaged in practice therein may, in the
21 discretion of the supreme court, be admitted to practice
22 in the courts of this state without an examination, upon
23 presentation of his certificate of such admission, and

1 upon showing to the satisfaction of the court that he is
2 still in good standing as an attorney in the courts of
3 such other state or territory, and that he is a person of
4 good moral character. ~~7-and-that-he-has-taken-up-his--bona~~
5 ~~fide--residence--in--this-state.~~ The court may adopt rules
6 for the proof of such qualifications.

7 33-5-116. Payment of annual license fee; proceedings
8 and suspension for nonpayment; inability to pay; fiscal
9 year of state bar.

10 (a) All members of the state bar shall by the second
11 week of October pay to the treasurer of the state bar, as
12 a license fee for the ensuing year, a sum ~~not--to--exceed~~
13 ~~two-hundred-twenty-five-dollars-(\$225.00)~~ to be set by the
14 ~~board--of--commissioners--of-the-Wyoming-state-bar.-If-any~~
15 ~~member-has-been-admitted-to-practice-law-in-this--or--some~~
16 ~~other--state--for--a--time--less--than-five-(5)-years,-the~~
17 ~~license-fee-shall-be-one-half-(1/2)-of-the-regular-license~~
18 ~~fee.-Honorary-and-retired-members--may--be--exempted--com-~~
19 ~~pletely--from--the--payment--of-any-fees-or-allowed-to-pay~~
20 ~~less-than-the-regular-license-fee-in-the-discretion-of-the~~
21 ~~Wyoming-state-bar~~ SUPREME COURT NOT TO EXCEED THREE HUN-
22 DRED DOLLARS (\$300.00). Fees shall constitute a fund to be
23 held and disbursed by the ~~treasurer~~ EXECUTIVE DIRECTOR

1 upon order of the board. The-second-week-in--September--in
2 each--year--the--secretary-treasurer--shall-send-a-written
3 statement-of-the-amount-of-the-license-fee-to-each--member
4 of--the--state--bar.--If--any-member-remains-in-default-on
5 December-17--the--secretary-treasurer--shall--certify--the
6 delinquency--to--the--judge--of--the-district-court-of-the
7 judicial-district-in-which-the-delinquent-member--resides.
8 The--judge-shall-issue-a-citation-returnable-within-twenty
9 (20)-days-to-show-cause-why-the-delinquent--member--should
10 not--be--suspended-from-the-practice-of-law-in-this-state.
11 If-good-cause-is-not-shown-the-delinquent-member-shall--be
12 suspended-while-in-default-of-payment-and-an-order-of-sus-
13 pension--shall--be-certified-to-the-supreme-court.-If-upon
14 hearing, the-judge-of-the-district-court--determines--that
15 the--member--in--default-is-unable-to-pay-his-license-fee,
16 the-judge-may-suspend-in-whole-or-in-part-the-payment--for
17 that--year--by--order--certified--to The supreme court MAY
18 ADOPT RULES FOR REDUCED FEES FOR PERSONS IN THE FIRST FIVE
19 (5) YEARS OF PRACTICE AND PARTIAL OR TOTAL WAIVER OF FEES
20 FOR HONORARY OR RETIRED MEMBERS. THE SUPREME COURT SHALL
21 ADOPT RULES REGARDING PAYMENT OF FEES BY ATTORNEYS WHO ARE
22 ADMITTED TO PRACTICE LAW AND SUSPENSION FROM PRACTICE FOR
23 NONPAYMENT OF FEES.

1 Section 2. W.S. 33-5-103, 33-5-108, 33-5-109,
2 33-5-111, 33-5-112 and 33-5-115 are repealed.

3 Section 3. This act is effective July 1, 1991.

4 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, January 29, 1921

Mr. Speaker:

Your Committee No. 1 on JUDICIARY
to whom was referred House Bill No. 0374

respectfully reports same back to the House with the recommendation that it

DO PASS with the following amendments:

Page 2 - line 6 Delete "LESS" insert "FEWER".

Page 4 - line 6 Reinsert stricken language.

Page 4 - line 7 through ¹⁷20 Reinsert stricken language, delete "AND HAS
ATTAINED".

Page 4 - line 21 and 22 Delete.

Page 4 - line 23 Delete ";" insert ".".

Page 5 - line 1 Delete.

Page 5 - line 2 Delete through ".".

Page 5 - line 20 After "may" insert "TO THE SAME DEGREE AND MANNER AS MEMBERS
OF THE WYOMING STATE BAR ARE ALLOWED RECIPROCAL RIGHTS IN
THAT ATTORNEY'S STATE OR TERRITORY".

Page 6 - line 14 Before stricken "to" Reinsert stricken language, insert "AND APPROVED
BY THE".

AYES

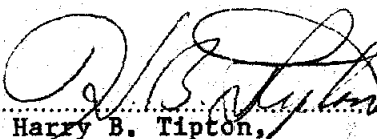
Anderson
Call
Harrison, Fred
Harrison, Ray
Honaker
Miller
Rohrbach
Tipton

NOES

Goodenough

EXCUSED

0


Harry B. Tipton,

Chairman

