

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2022

In the Matter of Amendments to)
Rules 2, 3, 4, 5, 6, 7, 10, and 12 of the)
Rules of the Board of)
Continuing Legal Education)

ORDER AMENDING RULES 2, 3, 4, 5, 6, 7, 10, AND 12 OF THE RULES OF THE BOARD OF CONTINUING LEGAL EDUCATION

The Board of Continuing Legal Education has recommended that this Court amend Rules 2, 3, 4, 5, 6, 7, 10, and 12 of the Rules of the Board of Continuing Legal Education. This Court finds the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Rules 2, 3, 4, 5, 6, 7, 10, and 12 of the Rules of the Board of Continuing Legal Education, attached hereto, be, and hereby are adopted by the Court to be effective July 5, 2022; and it is further

ORDERED that this order and the attached amendments be published in the advance sheets of the Pacific Reporter; the attached amendments be published in the Wyoming Court Rules Volume; and that this order and the attached amendments be published online at the Wyoming Judicial Branch’s website, <http://www.courts.state.wy.us>, on the “Rule Amendments” page. The amendments shall also be recorded in the journal of this Court.

DATED this 4th day of May, 2022.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice

Rules of the Board of Continuing Legal Education

Rule 2. Board of Continuing Legal Education.

(c) *Governance.* Each year the Board shall designate one of the lawyer members to serve as Chair, and a second as Vice Chair to act in the absence or unavailability of the Chair, and a third as second Vice Chair to act in the absence or unavailability of the Chair and Vice Chair. The executive director of the Wyoming State Bar, or designee, shall serve as the executive secretary of the Board.

Rule 3. Definitions.

For the purposes of these rules, the following definitions apply:

(b) ~~The~~ "Board" means the Board of Continuing Legal Education.

(i) "Live attendance" programs are those attended contemporaneously with the presentation of the program or those in which attendees have the opportunity to ask the presenter questions during the presentation, whether attended in person or remotely.

(j) "Self-study" programs are those where audio, video or online material is used and the attorney does not have the opportunity to ask the presenter questions during the presentation.

Rule 4. Continuing legal education requirements and conditions.

(f) To obtain continuing legal education credit, an attorney shall submit an application approved by the Board or apply online on the Wyoming State Bar website (www.wyomingbar.org) for each continuing legal education activity for which credit is sought. The application must be received by the Wyoming State Bar on or before the applicable deadline and should be submitted within a reasonable time following participation in the activity. Applications received after March 1 for continuing legal education activities completed during the previous calendar year shall not be accepted.

Rule 5. Standards for continuing legal education activity.

(a) A continuing legal education activity consisting of lecture (classroom) style instruction qualifies for accreditation, and the attorney participants, both attendees and faculty, are entitled to continuing legal education credit, if the CLE Director determines that:

(1) The activity constitutes an organized program of learning (including workshop or symposium) which contributes directly to the professional competency of an attorney;

(2) The activity pertains to legal subjects or other subject matters which integrally relate to the practice of law;

(3) The activity is conducted or taught in part by attorneys or other individuals who have special education, training and experience by reason of which they should be considered experts concerning the subject matter of the program; and

(4) The activity is accompanied by a detailed program description. In addition, submittal of a written outline for the program and relevant supporting documents is recommended for all programs and required for all programs of longer than 60 minutes. The written outline shall be provided to participants via paper copy or electronically. A PowerPoint or similar slide show may be used to satisfy this requirement.

(b) Time spent researching and writing articles that are published in a legal periodical including without limitation law reviews, legal newsletters, pamphlets, magazines or newspapers, consisting of case summaries, law updates and other subjects of interest to the legal community, qualifies for continuing legal education credit to a maximum of 15 hours in any calendar year. Authors of such articles applying for continuing legal education credit must submit a copy of the article, as published, with the approved form.

(f) No credit will be given for identical activities ~~will not be accredited~~ unless they are held in different calendar years.

(g) ~~Live-attendance programs in which attendees have the opportunity to ask the presenter questions during the presentation, whether attended in person or remotely,~~ are not considered self-study programs.

Rule 6. Accreditation of continuing legal education activities.

A sponsor may apply for accreditation of a continuing legal education program by submitting an application for accreditation online or on a form provided by the CLE Director, along with an application fee established by the Board. The application shall state the dates, subjects offered, total minutes of instruction, names and qualifications of speakers and other pertinent information. Accreditation will not be granted for programs dedicated to subjects of a political or ideological nature that are not reasonably related to the Wyoming State Bar's core functions as enumerated in its Bylaws, Article I Section 5(p). Programs are approved for 12 months and must be re-submitted for approval, along with payment of an application fee established by the Board, every 12 months in order for the program to be accredited that year. The application fee will be waived for programs that are being offered free of charge.

Rule 7. Hardship waivers and extensions.

(a) The Board may, in individual cases involving hardship, grant waivers of the continuing legal educational requirements, including the delinquency fee, or extensions of time. Hardship may be shown by illness, medical disability or other extraordinary or extenuating circumstances beyond the control of the attorney, but generally will not include financial hardship or lack of time due to a busy professional or personal schedule. Requests for waivers or extensions of time shall be submitted in writing or on the Wyoming State Bar's website and must be received by the executive director on or before the last business day preceding March 1 of the year following the reporting period for which the request is being made.

Rule 10. Penalties for failure to satisfy continuing legal education requirement.

(b) As soon as possible after March 1, the Wyoming State Bar shall submit a Recommendation for Suspension for Noncompliance with continuing legal education requirement to the Court for each attorney who failed to comply with the continuing legal education requirement for the previous calendar year and for each delinquent attorney who failed to pay the delinquency fee. A copy of the Recommendation for Suspension for Noncompliance shall be sent by ~~certified United States mail, return receipt requested,~~ and by email addressed to the attorney at the official address and email address listed with the Wyoming State Bar.

(c) Upon receipt of the Recommendation for Suspension for Noncompliance with the continuing legal education requirement, the Court shall issue an Order to Show Cause as to why the delinquent attorney's license to practice law in the State of Wyoming should not be suspended, sent by ~~certified United States mail, return receipt requested,~~ and by email addressed to the attorney at the official address and email address listed with the Wyoming State Bar. Upon receipt of the order to show cause, the delinquent attorney shall either remedy the continuing legal education deficiency and pay the \$300.00 delinquency fee and the \$300.00 noncompliance fee or shall file a response with the Court within 30 days of the date of the order to show cause by filing an original and six copies of such response with the clerk of the Court. The delinquent attorney shall also serve a copy of the response on the executive director of the Wyoming State Bar, together with a \$300.00 noncompliance fee payable to the Wyoming State Bar. The \$300.00 noncompliance fee is in addition to the delinquency fee provided in subsection (a) of this rule.

Rule 12. Reinstatement.

A suspended member may seek reinstatement by filing a petition for reinstatement and six copies, with the Court. Such petition shall be filed within one (1) year of the date of the order of suspension. A copy of the petition shall also be provided to the executive director of the Wyoming State Bar. The petition shall be supported by an affidavit which shows: (1) all past annual license fees, the current year's annual license fee and any late charges have been paid in full, in addition to all past and current annual fees for continuing legal education; (2) the attorney is current on all mandatory continuing legal education requirements; (3) there have been no claims in regard to the attorney by the Client Protection Fund for which the fund has not been reimbursed; and (4) the attorney has complied with all other applicable conditions for reinstatement. The petition shall be accompanied by a \$300.00 fee ~~the fee paid by applicants for admission on motion~~. A response by the executive director of the Wyoming State Bar may be filed within twenty (20) days of the date of service of the petition for reinstatement.
