

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2012

***In the Matter of the Amendments to)
Section 24 of)
The Disciplinary Code for the)
Wyoming State Bar)***

**ORDER AMENDING SECTION 24 OF THE
DISCIPLINARY CODE FOR THE WYOMING STATE BAR**

The Officers and Commissioners of the Wyoming State Bar have recommended that the Wyoming Supreme Court amend Section 24 of the Disciplinary Code for the Wyoming State Bar. The Court, having carefully reviewed the proposed amendments, finds that the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Section 24 of the Disciplinary Code for the Wyoming State Bar, attached hereto, be, and hereby are, adopted by the Court to be effective September 30, 2012; and it is further

ORDERED that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall thereafter be spread at length upon the journal of this Court.

DATED this 10th day of August, 2012.

BY THE COURT:

/s/

**MARILYN S. KITE
Chief Justice**

DISCIPLINARY CODE FOR THE WYOMING STATE BAR

24. Reinstatement after suspension or disbarment.

(a) An attorney who has been suspended for six (6) months or less shall be reinstated automatically upon the expiration of the period of suspension and the filing of an affidavit with the Court, a copy of which shall be served upon the BPR, ~~that the attorney has complied with all applicable conditions for reinstatement.~~ which shows:

- (i) 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;
- (ii) the attorney is current on all mandatory continuing legal education requirements;
- (iii) there have been no claims or awards made in regard to an attorney on the client's security fund for which the fund has not been reimbursed; and
- (iv) the attorney has complied with all other applicable conditions for reinstatement.

(b) An attorney who has been suspended for a specific period of greater than six (6) months may petition the BPR for reinstatement no sooner than ninety (90) days prior to the expiration of the period specified in the order of suspension unless another period is specified in the order. which petition shall include a certification that:

- (i) 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;
- (ii) the attorney is current on all mandatory continuing legal education requirements;
- (iii) there have been no claims or awards made in regard to an attorney on the client's security fund for which the fund has not been reimbursed; and
- (iv) the attorney has complied with all other applicable conditions for reinstatement.

(c) An attorney who has been disbarred may not petition for reinstatement for at least five (5) years from the effective date of the disbarment unless another period is specified in the order.

(d) An attorney who has petitioned for reinstatement after disbarment and such application has been denied may not again petition for reinstatement for at least three (3) years from the date of the order denying the attorneys last petition for reinstatement unless another period is specified in the order.

(e) A fee of five hundred dollars (\$500.00) shall accompany the filing of a petition for reinstatement by a suspended attorney. A fee of one thousand dollars (\$1000.00) shall accompany the filing of a petition for reinstatement by a disbarred attorney. In addition, the Court may order BPR may recommend to the Court that the necessary expenses incurred in the investigation and processing of a motion for reinstatement be paid by the respondent, ~~and the Court in its discretion may so order.~~

(f) Following receipt of a petition for reinstatement, Bar Counsel and the attorney may stipulate to reinstatement by submitting to the BPR a written stipulation and affidavit of the attorney which provides a detailed description of the factual basis for compliance with the elements detailed below in subsection (g). Any such stipulation shall be approved or disapproved by the BPR. If the stipulation is approved, a report and recommendation shall be transmitted to the Court. If accepted by the Court, the Court shall issue ~~an~~ its order stating that the

attorney is reinstated to the practice of law, which may include any conditions the Court deems appropriate.

(g) If Bar Counsel does not stipulate to reinstatement or if the BPR or Court does not approve a stipulation for reinstatement, a hearing shall be held by the BPR. At the hearing, the suspended or disbarred attorney shall have the burden of proving by clear and convincing evidence the following:

- (i) The respondent has been rehabilitated;
- (ii) The respondent has substantially complied with all requirements imposed by the Court;
- (iii) The respondent has the character and fitness qualifications to practice law in this state as outlined in Section IV of the Wyoming Rules and Procedures Governing Admission to the Practice of Law;
- (iv) The respondent is competent to practice law in this state;
- (v) The respondent's resumption of the practice of law shall not be detrimental to the administration of justice and the public interest.

(h) After a hearing, the BPR shall issue a report of its findings of fact and conclusions of law and the full record of the matter to the Court, together with its recommendation on the petition for reinstatement. The Court shall then enter a final order deciding the petition.

(i) If an attorney who has been disbarred or suspended does not seek reinstatement within ~~three (3) years~~ one (1) year from the date that attorney first becomes eligible to seek reinstatement, such attorney's membership in the Wyoming State Bar shall be terminated by order of the Court. Such attorney who thereafter seeks admission to the Wyoming State Bar shall comply with the admissions requirements set forth in Sections II and IV of the Wyoming Rules and Procedures Governing Admission to the Practice of Law.

~~(j) The procedure for reinstatement from suspensions due to acts or omissions other than misconduct as defined in Section 3 herein is provided in the By Laws of the Wyoming State Bar; however, subsection (i) herein applies to any suspension regardless of the basis for that suspension.~~
