

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2014

In the Matter of the Amendments to the)
Rules and Procedures Governing)
Admission to the Practice of Law)

**ORDER AMENDING THE RULES AND PROCEDURES GOVERNING
ADMISSION TO THE PRACTICE OF LAW**

The Wyoming Board of Law Examiners has recommended that this Court amend the Rules and Procedures Governing Admission to the Practice of Law. This Court finds that the Board's recommendations should be adopted. It is, therefore,

ORDERED that the amendments to the Rules and Procedures Governing Admission to the Practice of Law, attached hereto, are adopted by the Court to be effective October 1, 2014; and it is further

ORDERED that the last sentence of Rule 107 of the Rules and Procedures Governing Admission to the Practice of Law is hereby suspended with respect to any bar admission applications pending at the time of this order. That sentence provides: "An application shall be governed by the Rules and Procedures in effect at the time the application is filed with the Clerk of the Supreme Court." Thus, the rule amendments adopted by this order shall apply to all bar admission applications on file on October 1, 2014, as well as those filed thereafter; 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 also be recorded in the journal of this Court.

DATED this 27th day of August, 2014.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice

Rules and Procedures Governing Admission to the Practice of Law

SECTION I GENERAL PROVISIONS

Rule 100. Statutory authority; Definitions.

(a) These Rules are promulgated pursuant to W.S. §§ 33-5-101 et seq. As to applications for admission to the bar, generally, see W.S. § 33-5-104. As to qualifications of applicants, see W.S. § 33-5-105. As to entitlement to two examinations, certificate of admission and disposition of fees, see W.S. § 33-5-106. As to fraudulent applications as cause for revocation, see W.S. § 33-5-107.

(b) All references herein to the “Court,” the “Board,” the “Bar” and the “Committee” shall refer respectively to the Wyoming Supreme Court, the Wyoming State Board of Law Examiners, the Wyoming State Bar and the Character and Fitness Committee of the Wyoming State Board of Law Examiners, unless otherwise specifically provided.

(c) “NCBE” refers to the National Conference of Bar Examiners.

(d) “UBE” refers to the Uniform Bar Examination as developed by the NCBE.

(e) “MBE” refers to the Multistate Bar Examination component of the UBE.

(f) “MEE” refers to the Multistate Essay Examination component of the UBE.

(g) “MPT” refers to the Multistate Performance Test component of the UBE.

(h) “MPRE” refers to the Multistate Professional Responsibility Examination as developed by the NCBE.

(i) No person shall be admitted to the Bar who has not reached the age of majority.

Rule 101. Board of Law Examiners.

(a) Pursuant to W.S. § 33-5-101, the Board of Law Examiners shall consist of five resident members of the Bar who are learned, experienced and of generally recognized ability and integrity and who have further completed five years in the active practice of law. ~~Members shall be appointed by the Supreme Court for terms of three years each. The Court, with advice and recommendation from the president of the Bar, shall appoint all members for a term of three (3) years. No person appointed shall be permitted to serve for more than two (2) consecutive, full terms. Any vacancy created for whatever cause or reason shall be filled by appointment by the Court with advice of and recommendation from the president of the Bar. No more than one member shall be appointed from the same judicial district. Appointments to fill vacancies occurring other than by expiration of a term shall be for the unexpired term.~~ Each member of the Board shall take and subscribe an oath to faithfully, carefully and impartially perform all of the duties imposed as a member of the Board, which oath shall be entered upon the minutes retained by the Bar on behalf of the ~~Supreme~~ Court. The Board shall designate a chair and a secretary from its membership, who, acting together, shall constitute an executive committee. Any action which may be taken by the Board, when the Board is not in session, and time is of the essence, may be taken by the executive committee, which shall promptly notify the members of the Board of such action. The action of the executive committee shall be subject to confirmation at the next regular meeting of the Board. The Board shall designate an Executive Secretary, who shall be the Executive Director of the Bar.

(b) Pursuant to W.S. § 33-5-102, the Board shall hold at least two regular meetings each year for the examination and review of all applicants, at times and places designated by the chair. Other meetings of the Board shall be called as necessary by the chair at such place or places as may be convenient. These other meetings may be conducted by telephone conference call. At all meetings, a majority of the Board shall constitute a quorum. Members of the Board are excused from court appearances in all courts of the State of Wyoming while in attendance at any meeting of the Board duly called by its chair provided reasonable and timely notice of such a meeting is conveyed to the appropriate court and to opposing counsel. It shall further be the duty of the Board to certify and recommend all applicants for admission to the ~~Supreme~~ Court. All petitions/applications for examination, admission on motion and for admission by UBE score transfer shall be filed with the ~~Supreme~~ Court and forwarded to the Board, which shall verify information on each applicant's petition, investigate each applicant's qualifications and conduct further proceedings described in Section IV as it deems necessary to determine character and fitness. Upon completing such examination and/or investigation described herein, the Board shall report its recommendations and findings to the ~~Supreme~~ Court in a timely manner.

(c) Pursuant to W.S. § 33-5-103, each member of the Board shall receive compensation, a per diem and mileage allowance as provided by law or as allowed by the ~~Supreme~~ Court. Expenses incurred by Board members shall be directly and individually submitted upon an itemized voucher to the Executive Secretary of the Board for proper verification and certification. Upon obtaining such a voucher and securing the appropriate certification, the Executive Secretary shall promptly submit the voucher and certification to the ~~Supreme~~ Court for payment from revenues earmarked for the Board.

Rule 102. Character and Fitness Committee.

(a) To assist the Board in conducting such character and fitness investigation as it deems necessary, the ~~Supreme~~ Court may appoint a Character and Fitness Committee. The Committee shall consist of not less than three nor more than five active, resident members of the Bar. ~~Committee members shall be appointed to three year terms from a list of nominees submitted by the Board to the Court on an annual basis, except that initial members shall be appointed to terms of one, two and three years, respectively. The Court, with advice and recommendation from the president of the Bar, shall appoint all members for a term of three (3) years. No person appointed shall be permitted to serve for more than two (2) consecutive, full terms. Any vacancy created for whatever cause or reason shall be filled by appointment by the Court with advice of and recommendation from the president of the Bar. From its members, on an annual basis, the Board Committee shall select a Committee Chair. Committee members shall serve without compensation except that they shall be reimbursed their actual expenses incurred in performing their duties and in attending Committee meetings, in accordance with Rule 101(c) of these Rules.~~

(b) The Committee shall investigate the character, fitness and moral qualifications of an applicant for admission upon the request of the Board. Upon receipt of such a request, accompanied by all information regarding the applicant as obtained by the Board, the Committee shall conduct such investigation as it deems necessary in order to report its ~~findings and recommendations~~ recommendation to the Board.

(c) The Committee shall determine an applicant's character, fitness and moral qualifications in accordance with:

- (1) The provisions of these Rules; and

(2) The applicable decisions of the Court and the Supreme Court of the United States.

(d) Upon completion of its investigation the Committee shall submit to the Board its written ~~findings and recommendations~~ recommendation concerning the applicant's character, fitness and moral qualifications. The Board, in its discretion, may, in whole or in part, accept or reject any such ~~findings and recommendations~~ recommendation, or remand any such ~~findings and recommendations~~ recommendation to the Committee for such further investigation as shall be requested by the Board.

Rule 103. Office of the Bar.

The office of the Bar shall serve as office of the Board and the ~~Character and Fitness~~ Committee. It shall perform all administrative duties for the Board and the Committee, including the receipt of examination answers; assist in the investigation of applicants and their qualifications; and prepare minutes, proceedings, certifications and recommendations required of the Board and the Committee by state law and the Court. The ~~State~~ Bar shall also draft and submit all budgets, vouchers and fiscal reports required by the State of Wyoming. The Bar shall also perform such other duties as may be requested by the Board or the Court.

Rule 104. Records.

(a) The Bar shall maintain copies of records that are generated in the course of accepting and processing applications for admission ~~on motion, records generated in accepting and processing applications for admission by UBE score transfer, and records generated in accepting and processing applications to sit for bar examinations and the results of taking the bar examination.~~ After the Board has submitted its report and recommendation to the Court, the Court shall maintain the original application and all supporting data. ~~The following original records shall be maintained at the Court subsequent to the report and recommendation of the Board:~~

(1) ~~With respect to applications to sit for the bar examination:~~

(A) ~~Original application with all supporting data and certification required by the Board, with the exception of original or duplicate applicant examinations, which shall be destroyed three years following the test date; and~~

(B) ~~Original report and recommendation by the Board.~~

(2) ~~With respect to each bar examination:~~

(A) ~~The examination report of the Board, including the names and corresponding scores of all those who took the examination; and~~

(B) ~~Such statistical summaries and annual reports as may be specifically authorized by the Court.~~

(3) ~~With respect to applicants for admission on motion:~~

(A) ~~The original application with all supporting data and certification required by the Board; and~~

(B) ~~Original report and recommendation by the Board.~~

(4) ~~With respect to applicants for admission by UBE score transfer:~~

(A) ~~The original application, including the questionnaire, affidavit and all supporting data required by the Board to determine eligibility; and~~

(B) ~~Original report and recommendation by the Board.~~

(b) Information and documents obtained by the Board and the Committee ~~pursuant to their investigations and relevant to the requirements of the Board shall be retained by the Bar and during the application process~~ shall be confidential, subject to the following exceptions:

(1) Information may be disclosed by the Board to the Committee, by the Committee to the Board, and may be disclosed to the applicant, the applicant's counsel, to anyone authorized by the applicant to receive such information, to a hearing officer appointed pursuant to these rules and to any counsel for the Board, or for the Committee;

(2) Information may be disclosed to the Court;

(3) Information provided by or obtained with respect to an applicant's fitness to practice law may be disclosed to the bar admissions authority of any United States jurisdiction where the applicant applies for admission to the practice of law;

(4) The name, address, date of birth, ~~and~~ social security number and application status of each applicant may be furnished to the ~~National Conference of Bar Examiners~~ NCBE for dissemination to the bar admissions authority of any United States jurisdiction upon request;

(5) Information may also be released to the ~~National Conference of Bar Examiners~~ NCBE, Counsel for the Bar, any board or committee of the Bar and any board or committee of another state bar as the Board deems advisable; ~~and~~

(6) Information and records may be disclosed as provided by order of the ~~Supreme~~ Court;

~~(7) Exam information shall be released upon request to the law school from which the applicant graduated following the administration of each bar exam. This information shall include: student name, pass/fail status on the bar exam, and the number of times the applicant has taken the Wyoming bar exam;~~

~~(8) All other information provided by or obtained with respect to an applicant for admission on motion, for admission by UBE score transfer, or to sit for a bar examination, including examination results, except as specifically provided for herein, shall be considered confidential and privileged.~~

Rule 105. Waivers.

The Board may, for good cause shown by clear and convincing evidence, waive any rule; ~~by law or approval required from the Board of Law Examiners~~ which relates to the admission to the practice of law in Wyoming; provided, however, the Board shall not waive filing fees nor shall the Board waive the required passing scores on the MPRE or UBE. The decision of the Board not to waive a rule may be appealed to the Court.

Rule 106. Communications with Board Members.

All communications to or with the Board or any member thereof relating to pending applications for admission on motion or applications to take the bar examination or regarding the results thereof or eligibility for admission to the bar examination, and all communications with either the Board or any member thereof relating to waiver of any part of these Rules, whether by an applicant or by any person or agent acting for or on the behalf of an applicant, shall be transmitted through the office of the Bar unless otherwise directed in writing by the chair of the Board.

Rule 107. Filings.

All filings required to be made by routine application shall be filed with the Clerk of the ~~Supreme~~ Court. Additional information requested by the Board or the Committee in investigations of applicants shall be filed with the office of the Bar. An application shall be governed by the Rules and Procedures in effect at the time the application is filed with the Clerk of the ~~Supreme~~ Court.

Rule 108. Immunity.

~~(a) For any conduct or occurrence in the course of or arising out of any official duties in connection with these rules, the Board and its members shall enjoy judicial immunity as the Wyoming Supreme Court would enjoy performing the same function.~~

~~(b) For any conduct or occurrence in the course of or arising out of performance of any official duties in connection with these rules, the Board, its members, its Executive Secretary, its counsel, the Committee, its members, its counsel and all employees, personnel and agents through whom the Board and/or Committee functions shall enjoy such prosecutorial immunities as the Supreme Court would enjoy if performing the same functions.~~

~~(c) The Board, its members, its Executive Secretary, its counsel, the Committee, its members, its counsel, and all employees, personnel and agents shall retain common law immunity applicable and enjoy any immunity granted to the fullest extent provided by law.~~

For any conduct or occurrence in the course of or arising out of performance of any official duties in connection with these rules, the Board, its Executive Secretary, its counsel, the Committee, its counsel and all employees, personnel and agents through whom the Board and/or Committee functions shall retain common law immunity applicable and enjoy any immunity granted to the fullest extent provided by law, including such judicial and prosecutorial immunities as the Court would enjoy if performing the same functions.

Rule 109. Computation of Time.

In computing any period of time prescribed or allowed by these rules, or by order of the ~~Supreme~~ Court, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper, a day on which weather or other conditions have closed the recipient office, in which event the period runs until the end of the next day which is not one of the above-described days. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this rule, "legal holiday" includes any day officially recognized as a legal holiday in this state by designation of the legislature or appointment as a holiday by the Chief Justice of the ~~Supreme~~ Court.

~~Rule 110. Attorney's Oath Form; Entry on Minutes; Time Limit on Admission.~~

~~(a) Pursuant to W.S. § 33-5-112, following the order of the Supreme Court admitting the applicant to the Bar with authority to practice as an attorney and counselor at law in the Supreme Court and all courts of the State of Wyoming, the candidate shall make the following oath:~~

~~"I _____, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution and laws of the State of Wyoming, and that I will faithfully and honestly and to the best of my ability discharge the duties of an Attorney and Counselor at Law."~~

~~The oath may be taken in open court or in chambers or, if the applicant resides outside the state, before any officer authorized to administer oaths. The completed oath shall be entered on the minutes of the Supreme Court.~~

~~(b) The completed attorney's oath must be filed with the Clerk of the Supreme Court no more than ninety days after the date of the Supreme Court's order admitting the applicant to the Bar. Except as provided below, failure to timely satisfy the provision of this rule shall require an applicant to recommence the application process including a new application, payment of fees, a character and fitness investigation and retaking of the Bar Examination, if applicable.~~

~~An applicant who fails to take and file the oath within ninety days from the date of the Supreme Court's order may, for up to 12 months from the date of the Supreme Court's order admitting the applicant to the Bar, file an affidavit with the Board of Law Examiners explaining the cause of the delay. Upon consideration of the affidavit, the Board may, for good cause shown, recommend to the Supreme Court that the applicant be permitted to file the oath late or recommend to the Supreme Court that the applicant not be permitted to file the oath late.~~

~~Rule 111. Admission of Law Professors to Bar.~~

~~(a) Upon application a professor of the University of Wyoming College of Law who has been employed as a professor by such university on a full-time basis for at least two (2) complete scholastic years may apply for admission to practice law in the State of Wyoming without examination by the Board of Law Examiners.~~

~~(b) Applicants under this rule shall be graduates of a law school provisionally or fully approved by the American Bar Association at the time of such applicant's graduation. All applicants under this rule shall be required to submit proof of his or her admission by examination to the bar of another state. Applicants shall be required to pay the fee required by law and to file an application with the Board containing information relative to his or her educational and professional background and moral character.~~

~~(c) Law professors may make application pursuant to this rule following two (2) years of full-time teaching, provided, however, that such applicant, should he or she discontinue such full-time teaching, shall be required to notify the Wyoming State Bar and reapply for admission, if desired.~~

~~(d) The Board may require such information from any such applicant as it is authorized to require of any applicant not within the exception made by this rule and may make such investigations, conduct such hearings and otherwise process said application as if made pursuant to application for admission without an examination.~~

~~(e) If after such investigation as the Board may deem appropriate it concludes that such applicant possesses the moral qualities and the intellectual attainments required of all other applicants for admission to practice law in the State of Wyoming, it shall recommend such applicant for admission to practice and if said recommendation is accepted by the Supreme Court of the State of Wyoming, said applicant shall be admitted to practice and enrolled as a member of the Wyoming State Bar with all of the privileges and rights enjoyed by any member of the Wyoming State Bar admitted pursuant to application and admission by examination. The Board may receive and act upon any such application at any time or in its discretion may require that such applications be received and processed by the Board at the same time and in the same manner as applications for admission upon examination.~~

SECTION II

APPLICATION FOR ADMISSION BY EXAMINATION

Rule 201. Applications for Examination.

(a) ~~The Wyoming Uniform Bar Examination~~ UBE shall be administered in February and July of each year. An application to take the February administration of the ~~Uniform Bar Examination~~ UBE must be filed with the Clerk of the ~~Supreme~~ Court no later than the 15th day of November. An application to take the July administration of the ~~Wyoming Bar Examination~~ UBE must be filed with the Clerk of the ~~Supreme~~ Court no later than the 15th day of April. Filing will not be measure by postmark dates. Faxes and emails will not be accepted.

(b) Applications to take the ~~Wyoming Bar Examination~~ UBE shall be filed with the ~~Supreme Court Clerk's office~~ Clerk of the Court on a form prescribed by the Board and shall be accompanied by a fee established by the Board and the ~~Supreme~~ Court, together with a fee equal to the cost(s) of any credit or other report requested by the Board or the Committee. Further, evidence that the applicant meets the education requirements set forth in these rules must be submitted contemporaneously with the application, together with all supporting data and certification required of an applicant. The Board may require the payment of an additional fee for investigation, including but not limited to, the cost of any record or documents required by the Board or the Committee in the conduct of an investigation or inquiry concerning the applicant, the cost of the character report from the ~~National Conference of Bar Examiners~~ NCBE and the cost of the services of an investigator.

(c) An applicant who is unsuccessful on an examination, or who fails to take the examination, may request registration for the next ~~Wyoming Bar Examination~~ UBE without paying an additional fee and without resubmitting. ~~Further, applicants who wish to take the next examination need not resubmit~~ evidence of meeting the educational requirements set forth in these rules. Thereafter, the applicant shall be required to ~~resubmit an application and filing fee~~ reapply by following the procedure set forth in Rule 201(b), except that the applicant shall not be required to resubmit evidence of meeting the educational requirements set forth in these rules. Reapplications must be filed no later than the 1st day of June for the July examination, and the 2nd day of January for the February examination.

Rule 202. Educational Requirements.

(a) The Board shall, before allowing an applicant to take the ~~Uniform Bar Examination~~ UBE, be satisfied that the applicant has satisfactorily completed the course of study prescribed by law; and the following information shall be submitted by an applicant:

(1) Certification from an American Bar Association accredited law school that it has awarded applicant a juris doctor (JD) or Bachelor of Letters of Law (LLB) of the applicant's graduation; or

(2) If the applicant is seeking admission after studying law in the office of a member of the Bar or a judge as provided in Wyo.Stat.Ann. § 33-5-105, the applicant must:

(A) before embarking upon such study, present the proposed course of study to the Board for approval;

(B) at its conclusion, certify and provide a certificate of completion from the supervising attorney or judge and such other evidence as the Board may request that the course, as approved, was completed; and

(C) provide certification from an American Bar Association accredited law school of satisfactory completion of the statutorily-prescribed period of study at such law school.

(b) Attendance and successful completion of classes and studies at an American Bar Association accredited law school during a school year of not less than eight months in a year shall be deemed a year's attendance in a law school; and in computing the period of study in an office, a vacation actually taken, not to exceed three months in each year, shall be allowed as part of each year.

Rule 203. Refunds.

Refunds of the ~~Wyoming Bar Examination~~ UBE application fee will not be made in the event an applicant is found to be ineligible to take an examination. Refunds will not be made for withdrawal of an application, but may only be allowed by the ~~Supreme~~ Court upon motion and for good cause shown.

Rule 204. Examinations. [Reserved]

~~(a) The Board shall conduct two examinations each year, one in February and one in July. No less than 60 days prior to the exam, the Board shall notify applicants of the location of the exam. Each exam shall be conducted so as to coincide with the administration of the Uniform Bar Examination prepared by the National Conference of Bar Examiners (NCBE).~~

~~(b) Wyoming is a Uniform Bar Examination jurisdiction. The Wyoming Uniform Bar Examination (UBE) consists of three parts: the Multistate Essay Exam (MEE), the Multistate Performance Test (MPT) and the Multistate Bar Exam (MBE).~~

Rule 205. Oath of Applicant.

Each applicant shall, by taking the examination be deemed to have sworn the following with respect to each question:

"I, being first duly sworn on my oath according to law, depose and state: that I had no information or knowledge in advance as to what questions would be submitted to me in my examination held before the Board of Law Examiners of the State of Wyoming and that I

received no ~~information or advice~~ assistance during said examination from any person or persons, whatever, or by reference to any ~~book or memorandum~~ written or electronic material of any kind."

Applicants, at the discretion of the Board, may be required to sign and have notarized this oath in writing.

Rule 206. Anonymity of Examinees.

Until after the grading process has been completed by the Board, the examination of each applicant shall be done in such a manner that the applicant's examination ~~paper~~ is not identifiable by name to the members of the Board or its Executive Secretary.

Rule 207. ~~Completing the Essay Portion of the Examination~~ MEE and MPT Components Using a Personal Computer.

Applicants may use a personal computer to type the ~~essay portion of the examination~~ MEE and MPT components of the UBE. In order to do so, an applicant must:

- (1) Indicate the desire to use a personal computer to type the examination on the Application for Admission to the Wyoming State Bar;
- (2) Supply a personal computer that meets the current requirements of the Board;
- (3) Register and use examination software prescribed by the Board, according to instructions provided to applicant, including payment of any fees associated with use of the software; and
- (4) Acknowledge the acceptance of any risk inherent to using electronics, including but not limited to power failure, software malfunction, and equipment failure.

Rule 208. Monitors.

The Board shall appoint a sufficient number of monitors to insure the examination is conducted in an orderly and expeditious manner and to insure no applicant gives or receives aid in taking the examination.

Rule 209. Misconduct by Applicants ~~During Examination.~~

If, during an examination, the Board or its designee has brought to its attention conduct by an applicant which may violate the oath of applicant or any rule governing the examination, the Board or its designee shall cause an immediate investigation to be made. If the Board or its designee determines that an applicant has violated the oath of applicant or rules governing the examination, it shall immediately disqualify the applicant from the examination. Thereafter, the Board may consider whether the applicant's character and fitness is such that the applicant is capable of assuming the responsibilities of the practice of law. Any fraudulent act or presentation in connection with the application or examination shall be sufficient cause for the revocation of the order admitting the applicant to practice.

~~Rule 210. Examination Accommodations.~~

~~(a) An applicant who has a disability and is otherwise eligible to take the Wyoming Bar Examination may file a request for special testing accommodations. The applicant is responsible for informing the Board in writing in accordance with this rule by the deadline for filing the application for examination. If the applicant fails to demonstrate that the applicant suffers from a covered disability, there shall be no obligation to provide any accommodations.~~

~~(b) For the purpose of this rule, the following definitions shall apply:~~

~~(1) "Disability" shall mean any of the following: A physical or mental impairment that substantially limits one or more of the major life activities of the applicant and that substantially limits the ability of the applicant to demonstrate, under standard testing conditions, that the applicant possesses the essential skills and aptitudes that the Supreme Court of Wyoming and the Board have determined are appropriate to require for admission to the practice of law in Wyoming.~~

~~(2) "Reasonable accommodation" shall mean an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant's disability without doing any of the following:~~

~~(A) Fundamentally altering the nature of the Wyoming Bar Examination or the Board's ability to determine through the bar examination whether the applicant possesses the essential skills and aptitudes that the Supreme Court and the Board have determined are appropriate to require for admission to the practice of law in Wyoming;~~

~~(B) Compromising the security of the examination;~~

~~(C) Compromising the integrity, the reliability, or the validity of the examination;~~

~~(D) Imposing an undue burden on the Board.~~

~~(c) Requests for special testing accommodations shall be made in the following manner:~~

~~(1) A request for special testing accommodations shall be on forms prescribed by the Board and shall consist of all of the following:~~

~~(A) A statement of the applicant, including a description of the applicant's disability and the special accommodations requested;~~

~~(B) A certificate of the applicant's medical, psychological, or other appropriate authority, signed under oath stating:~~

~~(i) The nature and the extent of the impairment;~~

~~(ii) The test or tests performed to diagnose the disability or impairment;~~

~~(iii) The effect of the disability on the applicant's ability to take the test under normal testing conditions; and~~

~~(iv) The special testing conditions prescribed by the certifying authority, or deemed to be necessary by the certifying authority.~~

~~(C) A statement by the applicant as to the accommodations received in college, law school, or any prior examination; and~~

~~(D) A certificate from any educational institution beyond high school that provided special accommodations to the applicant while the applicant attended the educational institution which describes the accommodations provided to the applicant.~~

~~(2) The applicant may file any additional documentation in support of the request.~~

~~(3) Upon request, the applicant shall submit an authorization for release of records relevant to the disability and/or requested accommodations from educational institutions, medical, psychological and/or appropriate authorities who completed certificates submitted with the request, if the Board determines that access to those records is reasonably necessary to~~

~~determine whether an applicant's condition meets the criteria for a disability set forth in this policy. The Board may, at its expense, require an examination by an appropriate authority.~~

~~(4) A request for special testing accommodations for any examination shall be filed by the deadlines set forth in Rule 201(a). A request for special test accommodations for re-examination shall be filed with the application for examination and by the deadline for filing that application.~~

~~(5) An applicant may file an emergency request for special testing accommodations after the time prescribed in the above section if all of the following conditions are met:~~

~~(A) The application to take the Wyoming Bar Examination was timely filed and complete in all other respects;~~

~~(B) At the time of filing the application to take the Wyoming Bar Examination, the applicant did not have the disability or was unaware of a disability that would necessitate special testing accommodations;~~

~~(C) After acquiring the disability, the applicant promptly submits both of the following:~~

~~(i) An emergency request on a form prescribed by the Board, providing the date and circumstances under which the disability arose or became known to the applicant;~~

~~(ii) A complete request for special testing accommodations. The certificate by the appropriate authority shall state the date the impairment first manifested itself.~~

~~(6) An emergency request shall not be filed fewer than seven days preceding the scheduled bar examination. Time is computed pursuant to Rule 109.~~

~~(7) All forms necessary to complete a request or emergency request for special testing accommodations shall be available at no charge from the Clerk of the Supreme Court.~~

~~(d) The Board shall review all requests for special testing accommodations that are properly filed in accordance with this policy. The Board may delegate to a committee of its members authority to review and rule upon requests pursuant to this policy. Requests that are not timely filed, that are incomplete, or that otherwise do not comply with the requirements of this policy may be rejected for consideration by the Board. The Board may request an applicant to submit additional information in support of the applicant's request. The Board may seek the assistance of an appropriate authority of the Board's choosing in reviewing a request. In reviewing a regular request, the Board shall comply with the following procedures:~~

~~(1) The Board shall make a determination, and shall send notification of the determination to the applicant, no fewer than 40 days before the examination.~~

~~(2) The Board's denial of a request shall be in writing and sent to the applicant by certified mail to the address provided by the applicant on the request. The Board's denial shall include a statement of the Board's reasons for denial.~~

~~(3) The applicant may appeal the denial of a request. The appeal shall be filed with the Clerk of the Supreme Court within 10 days of the mailing of the notice of denial. The appeal shall be conducted on the basis of the record compiled before the Board, and the applicant shall be limited to a written argument in support of the appeal.~~

~~(4) Within 10 days of the filing of an appeal, the Supreme Court shall affirm, reverse, or modify the Board's decision and prepare a written ruling with reasons for the decision. A copy of the ruling shall be sent to the applicant at the address provided by the applicant on the request. The decision on appeal shall be final.~~

~~(5) In reviewing an emergency request, the Board shall first determine whether the request qualifies as an emergency request under this policy. If it does not qualify as an emergency, the Board shall deny the request.~~

~~(A) If an emergency exists, the Board shall make a determination on the emergency request and notify the applicant of the determination, as soon as is reasonable but no later than 24 hours before the examination.~~

~~(B) The Board may deny an emergency request if it is not practicable in the time remaining before the examination:~~

~~(i) To arrange special accommodations that would provide testing conditions that are reasonable and comparable to those conditions provided to other applicants; or~~

~~(ii) For the Board to take all steps reasonable and necessary for it to reach a fair determination on the merits of the request before the examination.~~

~~(C) The Board's decision on an emergency request shall be final and is not appealable.~~

~~(e) The Board shall incur the costs of all accommodations that it grants and that are provided to the applicant by the Board.~~

~~(f) The Board shall grant a request and provide special testing accommodations to an applicant if it finds that the provisions of this rule are met and finds all of the following:~~

~~(1) The applicant is a qualified applicant with a disability who is otherwise eligible to take the bar examination;~~

~~(2) The special testing accommodations are necessary to ameliorate the impact of the applicant's disability;~~

~~(3) The special testing accommodations are reasonable accommodations.~~

~~(g) The Board shall determine, based on the information available to it, what special testing accommodations are reasonable accommodations. The Board may provide accommodations different from those requested by the applicant if the Board determines that the accommodations provided will effectively ameliorate the impact of the applicant's disability.~~

~~(h) No special testing accommodations granted pursuant to this policy shall serve to alter in any manner the limitation otherwise imposed on the applicant's answers.~~

~~(i) If an applicant is permitted to dictate answers to the essay portion of the examination, those answers shall be transcribed by personnel selected solely by the Board for that purpose.~~

~~(j) All requests for special testing accommodations, supporting documentation, and information developed by the Board with respect to the requests shall remain confidential.~~

Rule 210. Examination Accommodations.

(a) The Board encourages persons with disabilities to apply for test accommodations. Reasonable test accommodations will be made on the UBE for qualified applicants with disabilities. The UBE is a two-day timed examination designed to test the knowledge and skills necessary for one who seeks admission to the Bar.

(b) It is the policy of the Board to administer the bar examination and all other services of this office in accordance with the Americans with Disabilities Act, as amended (ADA). A qualified applicant with a disability who is otherwise eligible to take the bar examination, but who cannot demonstrate under standard testing conditions that he/she possesses the knowledge and skills to be admitted to the Bar, may request reasonable test accommodations.

(c) The Board will make reasonable modifications to any policies, practices, and procedures that might otherwise prevent individuals with disabilities from taking the bar examination in an accessible place or manner, provided such modifications do not result in a fundamental alteration to the examination or other admission requirements, impose an undue burden, or jeopardize examination security. In order to accommodate disabled persons, the Board will furnish additional testing time, auxiliary aids, and other accommodations when necessary to ameliorate the impact of the applicant's disability on the applicant's ability to take the bar examination. No additional charges will be assessed to individuals with disabilities to cover the costs of reasonable accommodations.

(d) Requests for test accommodations will be evaluated on a case-by-case basis. The applicant must submit documentation from one or more qualified professionals that provides information on the diagnosed impairment(s), the applicant's current level of impairment, and the rationale for the accommodations requested on the bar examination. In addition, the applicant must submit verifying documentation of his or her history of accommodations, if any. All documentation will be retained by the Board and may be submitted to one or more qualified professionals for an impartial review. Accommodations granted elsewhere do not necessarily entitle an applicant to accommodations on the bar examination, although the Board gives considerable weight to documentation relating to past accommodations received in similar testing situations.

(e) Definitions.

(1) Disability is a physical or mental impairment that substantially limits one or more of the major life activities of the applicant. In the bar examination setting, the impairment must limit an applicant's ability to demonstrate, under standard testing conditions, that the applicant possesses the knowledge, skills, and abilities tested on the bar examination.

(2) Physical impairment is a physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body's systems.

(3) Mental impairment is any mental or psychological disorder such as intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, or any specific learning disability.

(4) Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(5) Reasonable accommodation is an adjustment or modification of the standard testing conditions, or an appropriate auxiliary aid or service, that ameliorates the impact of the applicant's disability without doing any of the following:

(A) fundamentally altering the nature of the UBE, including but not limited to compromising the validity or reliability of the examination;

(B) imposing an undue burden on the Board; or

(C) jeopardizing examination security.

(6) Qualified professional is a licensed physician, psychiatrist, psychologist, or other health care provider who has appropriate training in the field related to the applicant's disability.

(f) Applying for test accommodations. All forms necessary to complete a request for special testing accommodations shall be obtained from the Bar's website, www.wyomingbar.org.

(1) Applicants with disabilities are subject to the same application deadline as individuals without disabilities. Because some of the accommodation request forms require input

from third parties, the appropriate individuals should be asked to complete the forms well in advance of the deadline.

(2) Requests for accommodations will be considered after receipt of all required information. The Applicant Checklist, located in Section V of Form 1: Applicant Request for Test Accommodations, must be submitted with the application. The applicable items specified in the Applicant Checklist must be completed and received by the Clerk of the Court on or before the application filing deadline for the UBE the applicant wishes to take. A request for special test accommodations for re-examination shall be filed with the application for examination and by the deadline for filing that application.

(3) An applicant may file an emergency request for special testing accommodations after the time prescribed in the above section if all of the following conditions are met:

(A) The application to take the UBE was timely filed and complete in all other respects;

(B) At the time of filing the application to take the UBE, the applicant did not have the disability or was unaware of a disability that would necessitate special testing accommodations;

(C) After acquiring the disability, the applicant promptly submits a request for special testing accommodations on the forms required by the Board. An emergency request shall not be accepted fewer than seven days preceding the scheduled bar examination.

(g) Following receipt of a completed application for special testing accommodations, the Board will determine what accommodations are reasonable, if any. The Board may provide accommodations different from those requested by the applicant if the Board determines that the accommodations provided will effectively ameliorate the impact of the applicant's disability. The Board shall notify the applicant in writing of any reasonable accommodations the Board has determined to provide.

(h) If the Board determines that a request for special testing accommodations should be denied, the Board shall so inform the applicant in writing, which shall include a statement of the Board's reasons for denial.

(1) In reviewing an emergency request, the Board shall first determine whether the request qualifies as an emergency request under this policy. If it does not qualify as an emergency, the Board shall deny the request.

(2) The Board may deny an emergency request if it is not practicable in the time remaining before the examination:

(A) To arrange special accommodations that would provide testing conditions that are reasonable and comparable to those conditions provided to other applicants; or

(B) For the Board to take all steps reasonable and necessary for it to reach a fair determination on the merits of the request before the examination.

(i) The applicant may appeal the denial of a request for special testing accommodations. The appeal shall be filed with the Clerk of the Court within 15 days of the date of the notice of denial. The appeal shall be conducted on the basis of the record compiled before the Board, and the applicant shall be limited to a written argument in support of the appeal. The Board's denial of an emergency request is not appealable.

(j) Within 10 days of the filing of an appeal, the Court shall affirm, reverse, or modify the Board's decision and prepare a written ruling with reasons for the decision. A copy of the ruling shall be sent to the Executive Secretary and to the applicant at the address provided by the applicant on the request. The decision on appeal shall be final.

Rule 211. Examination Scores and Notification of Results [Effective for only the February 2013 administration of the bar exam].

(a) The Wyoming Bar Examination shall consist of three parts: 1) the Multistate Essay Exam (MEE), graded by or under the direction of the Board, which shall pass upon the merits of the answers submitted; 2) the Multistate Professional Responsibility Examination (MPRE); and, 3) the Multistate Bar Examination (MBE).

(b) The Board shall require each applicant to pass the MPRE with a scale score of 75 or greater, prior to certifying the applicant as eligible for admission to the practice of law. The passing score on the MPRE must have been obtained in this or another jurisdiction within three years from the date upon which an applicant obtains a passing score on the Wyoming Essay Examination to be eligible for admission.

(c) The MEE portion of the Wyoming Bar Examination consists of six essay questions developed by the National Conference of Bar Examiners (NCBE). The questions are graded using generally applicable principles of law. There are no Wyoming law specific questions on the exam. The MEE will be graded and sealed with the assistance of the NCBE.

(d) The applicant's MEE scaled score and MBE scaled score will be added to calculate a total score. The MEE and MBE will be weighted equally in calculating total scores. Except as stated in Rule 211(e)(1), applicants must achieve a total score of 270 (of a possible 400) or higher to pass the Wyoming Bar Examination.

(e) (1) An applicant who, in the three years preceding the February 2013 Bar Examination, achieved an overall average score of 70 or higher on the Wyoming essay examination and has received a passing grade of 70 or higher on at least six out of ten questions will be exempt from taking the essay (MEE) part of the February 2013 Wyoming Bar examination. Such applicant must achieve a scaled score of at least 135 to pass the Wyoming Bar Examination. That MBE score may be obtained in this or another jurisdiction.

(2) An applicant who, in the three years preceding the February 2013 Bar Examination, received a scale score of 130 or above on the MBE will, if the applicant chooses, be exempt from the taking of the MBE portion of the February 2013 Bar Examination. An applicant who, in the three years preceding the February 2013 Bar Examination, received a scale score of 130 or above on the MBE administered in another jurisdiction may direct transfer of the score through the testing agency or NCBE to Wyoming and be exempt from taking the MBE portion of the February 2013 Bar Examination. For those applicants using a prior MBE score for the February 2013 Bar Examination, the applicant's February 2013 MEE scaled score and prior MBE scaled score will be added to calculate the applicant's total score. Such applicants must achieve a total score of 270 or higher to pass the February 2013 Wyoming Bar Examination.

(f) An applicant who is registered to take the February 2013 Wyoming Bar Examination and who instead takes the Uniform Bar Examination (UBE) in another jurisdiction may direct transfer of the UBE score through NCBE and be exempt from taking the MEE and MBE in the February 2013 Wyoming Bar Examination. To pass the Wyoming Bar Examination, such applicants must achieve a UBE total score of 270 or higher. Such applicant must still meet all other requirements for eligibility to be admitted to the Wyoming State Bar.

(g) The Board shall notify the Supreme Court of the results of the examination upon completion of the grading process and receipt of results from the MPRE from the respective

~~reporting agencies. The Supreme Court shall notify each bar applicant whether the applicant passed the examination as promptly as feasible, but may withhold notification to an applicant in the event of a continuing or incomplete character and fitness review. Applicant grades shall not be disclosed to any person other than the applicant except that: (1) upon written request of an applicant the Board may disclose the applicant's scale MBE scores to the bar examining authority of any United States jurisdiction; (2) the Board may compile and disseminate passage rate reports as directed or approved by the Supreme Court; and (3) upon request, the Board shall provide to the National Conference of Bar Examiners and the dean of the applicant's law school, or his/her designee, statistical detail for each applicant taking the Wyoming Bar exam. This statistical detail shall include: applicant name, pass/fail status on the bar exam, and the number of times the applicant has taken the Wyoming bar exam. The applicant's law school shall maintain the confidential nature of the exam information except for release of aggregated exam statistics for ABA accreditation purposes.~~

Rule 211. Examination Passing Scores and Notification of Results. ~~[Effective beginning with the July 2013 administration of the bar exam.]~~

~~(a) The Wyoming Bar Examination is the Uniform Bar Examination (UBE), which consists of the Multistate Essay Exam (MEE), the Multistate Performance Test (MPT), and the Multistate Bar Exam (MBE). See Rule 204. A passing score on the UBE is a scaled score of 270 total points or greater.~~

~~(1) The formula for determining the total UBE score is: MBE Scaled Score + MEE/MPT Scaled Score = UBE Total Scaled Score.~~

~~(2) Raw MBE scores (the number of questions correctly answered) are converted to scale scores by the NCBE by use of a formula designed to make scores comparable from one exam administration to another. The MBE is weighted as 50% of the UBE total score.~~

~~(3) The combined MEE/MPT raw scores are converted to scale scores by the NCBE by use of a formula designed to make scores comparable from one exam to another. The MEE and MPT are weighted together as 50% of the UBE total score, with the MEE worth 30% and the MPT worth 20%.~~

~~(b) The Board shall require each applicant to pass the Multistate Professional Responsibility Examination (MPRE) with a scale score of 85 or greater, prior to certifying the applicant as eligible for admission to the practice of law. A passing score on the MPRE is a scaled score of 85 points or greater. The passing score on the MPRE must be obtained not more than three years prior to or not more than one month after the exam administration in which an applicant obtains a passing score on the UBE taken in Wyoming.~~

~~(c) The UBE given in Wyoming shall be prepared and graded with the assistance of the National Conference of Bar Examiners (NCBE). In order to pass the Wyoming Bar Exam, an examinee must achieve a UBE total score of 270 points (of a possible 400). The formula for determining the total UBE score is: MBE Scaled Score + MEE/MPT Scaled Score = UBE Total Score. The Board shall notify the Court of the results of the examination upon completion of grading and the scaling process by the NCBE and after receipt of results from the MPRE.~~

~~(d) Scoring MBE. – Raw MBE scores (the number of questions correctly answered) are converted to scale scores by the NCBE by use of a formula designed to make scores comparable from one exam administration to another. The MBE is weighted as 50% of the UBE total score.~~

The Court shall notify each applicant of the applicant's scores as promptly as feasible following receipt of the Board's recommendation regarding the application for admission.

~~(e) Scoring MEE/MPT: The combined MEE/MPT raw scores are converted to scale scores by the NCBE by use of a formula designed to make scores comparable from one exam to another. The MEE and MPT are weighted together as 50% of the UBE total score, with the MEE worth 30% and the MPT worth 20%. Applicant scores shall not be disclosed to any person other than the applicant except that:~~

~~(1) Upon written request of an applicant, the Board may disclose the applicant's scale UBE scores to the bar examining authority of any United States jurisdiction;~~

~~(2) The Board may compile and disseminate passage rate reports as directed or approved by the Court;~~

~~(3) Upon request, the Board shall provide to the NCBE and the dean of the applicant's law school, or his/her designee, statistical detail for each applicant taking the UBE in Wyoming. This statistical detail shall include: applicant name, pass/fail status on the UBE, and the number of times the applicant has taken the UBE in Wyoming. The applicant's law school shall maintain the confidential nature of the exam information except for release of aggregated exam statistics for ABA-accreditation purposes.~~

~~(f) Transfer of UBE scores. — An applicant must sit for the entire UBE in the same exam administration to earn a portable UBE score. Wyoming does not accept MBE score transfers from other jurisdictions or from previous examinations for purposes of waiving the MBE portion of the exam. An applicant who takes the UBE in another jurisdiction may direct transfer of the UBE score pursuant to Rule 306 and be exempt from taking the UBE in Wyoming. To pass the Wyoming Bar Examination, such applicants must achieve a UBE total score of 270 or higher. Such applicant must meet all other requirements for eligibility to be admitted to the Wyoming State Bar.~~

~~(g) The Board shall notify the Supreme Court of the results of the examination upon completion of grading and the scaling process by the NCBE and after receipt of results from the MPRE. The Supreme Court shall notify each bar applicant whether the applicant passed the examination and of the applicant's scores as promptly as feasible following the Board's recommendation pursuant to Rule 213. Applicant scores shall not be disclosed to any person other than the applicant except that: (1) upon written request of an applicant the Board may disclose the applicant's scale UBE scores to the bar examining authority of any United States jurisdiction; (2) the Board may compile and disseminate passage rate reports as directed or approved by the Supreme Court; (3) to NCBE to calculate examination scores and transfer the applicant's UBE scores or MBE scores to other U.S. jurisdictions upon the applicant's request; and (4) upon request, the Board shall provide to the National Conference of Bar Examiners and the dean of the applicant's law school, or his/her designee, statistical detail for each applicant taking the Wyoming Bar exam. This statistical detail shall include: applicant name, pass/fail status on the bar exam, and the number of times the applicant has taken the Wyoming bar exam. The applicant's law school shall maintain the confidential nature of the exam information except for release of aggregated exam statistics for ABA accreditation purposes.~~

Rule 212. Review of Examination Answers.

An applicant who fails the exam may inspect the applicant's answers along with a copy of the MEE and MPT examinations and the model answer following the exam at the office of the Bar

for as long as they are available. Any other review of examination answers shall be subject to NCBE rules.

~~Rule 213. Certification of Eligibility for Admission to the Bar.~~

~~Upon an applicant's passing the bar examination and provided that the applicant is certified to have the requisite character and fitness to practice law and the applicant has met all of the educational and testing requirements of these rules, the Board shall certify its recommendation to the Court that the applicant is eligible for admission to the practice of law. Certification may be in such form as the Board prescribes, including a letter, bearing the signature of the Chair or someone delegated by the Chair, provided that person is a member of the Board or the Executive Secretary to the Board.~~

~~Rule 214. Duty of the Court After Receiving Certification of the Board.~~

~~The Supreme Court, upon receiving the Board's certification that an applicant is eligible for admission to the Bar, shall enter an order in substantially the following form:~~

~~"In the Matter of Admission of _____ to the Wyoming State Bar. It appearing that heretofore on the _____ day of _____, (year), the State Board of Law Examiners filed its report recommending that the above-named applicants, having met the requirements prescribed by law, are persons of good moral character, and of legal age; and it further appearing to the Wyoming Supreme Court that said report should be approved and that the applicants possess the qualifications required by law, are persons of good moral character, and of legal age; it is ORDERED that said applicants be and hereby are, admitted to practice as attorneys and counselors at law in all of the courts of this state upon taking the oath prescribed by the court and with the filing of said oath with the Clerk of the Wyoming Supreme Court. DATED this _____ day of _____, _____ by the Chief Justice, Wyoming Supreme Court."~~

~~Rule 215. [Renumbered as Rule 110 Effective April 1, 2010.]~~

~~Rule 216. Duty of the Clerk of Court.~~

~~Whenever there is delivered to the Clerk of the Supreme Court an order for admission and the proper papers described therein, the Clerk shall proceed as directed.~~

~~Rule 217. Successive Failure.~~

~~Any applicant that fails for four Wyoming bar exams over any period of time shall not be permitted to take any subsequent Wyoming Bar Exam until 35 months have elapsed following the date the last preceding Wyoming Bar Exam was taken by the applicant.~~

SECTION III

APPLICATION FOR ADMISSION ON MOTION OR BY TRANSFER OF UBE SCORE

Rule 301. General Provision.

The Board may recommend to the Court admission without examination in Wyoming of those attorneys who satisfy the criteria ~~described in Rule 302 or Rule 306, below~~ set forth in this section.

Rule 302. Eligibility for Admission on Motion.

At the discretion of the Court, and upon the submission of (1) the application(s) required by the Board certifying the qualifications of eligibility listed below, (2) all supporting data, and (3) the necessary fees, admission may be granted to an applicant who:

(a) Has been awarded a juris doctor (JD) or Bachelor of Letters of Law (LLB) by a law school approved by the American Bar Association; and who

(b) Is not now nor ever has been admitted to the practice of law in Wyoming or, if previously admitted, one whose membership was withdrawn; and who

(c) Has been admitted to practice as an attorney in the highest court in any state, territory or district of the United States by passing a written examination as required by such other state, territory or district; and who

~~(d) Has engaged in the active, authorized practice of law in one or more states, territories or districts for five of the seven years immediately preceding the date of the application and is currently engaged in the active, authorized practice of law in one of the jurisdictions to which the applicant is admitted; and who~~

~~(e)~~ (d) Has not been denied on motion to practice law in Wyoming or been allowed to withdraw an application due to questions raised by the Board on character and fitness within the last two years; and who

~~(f)~~ (e) Has not previously engaged in the unauthorized practice of law; and who

~~(g)~~ (f) Has engaged in the active, authorized practice of law for a minimum of 300 hours per year for five of the seven years immediately preceding the date of application, in a jurisdiction that grants bar admission without bar examination, ~~including a local essay, administration of the MBE or any performance test,~~ to attorneys licensed in Wyoming on the basis of practice in Wyoming; and who

~~(h)~~ (g) Has shown that the applicant has met all such other requirements as may be appropriately prescribed by the Board to demonstrate qualification, character and fitness to practice law; and who

~~(i) Has not taken and failed the Wyoming Bar Examination within five years of the date of filing an application; and who~~

~~(j)~~ (h) Is currently a member in good standing in all jurisdictions where admitted; ~~and who~~

~~(k) Is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction.~~

Rule 303. Definition of the Active, Authorized Practice of Law.

(a) For purposes of this section, the "active, authorized practice of law" shall refer to the following sectors of practice:

(1) As a significant and primary occupation, serving as an attorney for fees or payment from one or more clients, including individuals, legal service programs, trusts, partnerships and non-governmental corporations;

(2) Serving as an attorney in governmental employment in the law offices of the executive, legislative or judicial departments of the United States, including the independent agencies thereof, or of any state, political subdivision of the state, territory, special district or municipality of the United States, provided that graduation from an ABA-accredited law school is a required qualification of such employment;

(3) Teaching, as a full-time faculty member, a law course or courses at one or more ABA-accredited law schools in the United States, its territories or districts;

(4) Serving as a judge in a court of the United States, a court ~~of record~~ of a state, territory or district of the United States, provided such employment is available only to licensed attorneys who have graduated from an ABA-accredited law school.

(b) For the purposes of this section, the "active, authorized practice of law" shall consist of the following primary duties:

(1) Furnishing legal counsel;

(2) Drafting legal documents and pleadings;

(3) Interpreting and giving advice regarding the law and legal issues; and

(4) Preparing, trying or presenting cases before courts, departments of government, bureaus or administrative agencies.

(c) Each applicant for admission under this rule shall establish to the satisfaction of the Board that the applicant has engaged in the active, authorized practice of law for five of the seven years immediately preceding the date of application.

Rule 304. Applications for Admission on Motion, Fees and Filing Deadlines.

(a) All applicants for admission on motion shall complete an application prescribed by the Board and shall submit to a character investigation performed by or for the NCBE. ~~An application for admission on motion shall consist of two parts:~~

~~(1) a questionnaire and affidavit for applicants seeking admission on motion prescribed or approved by the Board, and~~

~~(2) a character investigation performed by or for the National Conference of Bar Examiners.~~

(b) ~~The questionnaire and affidavit prescribed or approved~~ application prescribed by the Board shall be submitted with all supporting data required by the Board to determine eligibility under Rule 302, above. Supporting data to the application shall include the following:

(1) A certificate of good standing from the highest court for each jurisdiction in which the applicant is admitted to practice law;

(2) One of the following:

(i) A Certificate by a judge or hearing officer of a tribunal of record of such other state, territory or district before which the applicant has practiced law; or

(ii) A Certificate by a member in good standing of the Bar of the State of Wyoming for at least 10 continuous years that the applicant is a person of good character and reputation, and competent legal ability; or

(iii) Two Certificates from any officer of a court in the applicant's current resident bar, provided that no such Certificate shall be submitted by any family member or client of the applicant, or by any two individuals within the same firm.

As used in subparts (i), (ii) and (iii) of this Rule, a "Certificate" shall be a sworn statement which shall include, at a minimum, the maker's acquaintance with the applicant, the facts and circumstances of such acquaintance, and a positive and unqualified statement that the applicant is a worthy, fit and proper person to perform and accept the obligations and responsibilities of a member of the Bar. Such Certificate shall be in a form and content approved by the Board.

(3) Evidence of compliance with the Continuing Legal Education requirements of all jurisdictions in which the applicant is admitted to practice law, if applicable; ~~and~~

(4) An authorization and release form; and

(5) Proof the applicant has passed the ~~Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful examination applicants~~ MPRE with a scaled score of 85 points or greater.

(c) The Board shall, in each case, give consideration to such certificates of moral character it has required along with the character report by the ~~National Conference of Bar Examiners~~ NCBE and shall, either directly or indirectly or through the Committee, make independent inquiry and investigation as to the applicant's moral character and fitness to be a member of the Bar. The Board may, either directly or through the Committee, at its discretion, hold further proceedings with the applicant as described in Section IV and shall thereafter report to the Court the results of its findings, together with its recommendation. The Court may on its own motion make such further inquiry and investigation as it deems proper.

(d) Applications for admission on motion shall be accompanied by a fee established by the Board and the Court and, in addition, the fee required to obtain a Character Report from the ~~National Conference of Bar Examiners~~ NCBE. Refunds will not be made for withdrawal of an application, but may only be allowed by the ~~Supreme~~ Court upon motion and for good cause shown. Additional investigation fees may be required by the Board, including but not limited to, the expenses necessary for the Board and/or the Committee to obtain records and documents and the fee necessary to pay the services of an investigator, if deemed of assistance to the Board and/or Committee.

(e) Completed applications are to be filed with the Clerk of the Court. Incomplete applications will not accepted for filing.

Rule 305. Reviews of Applicants for Admission on Motion.

~~An applicant for admission on motion may be admitted to the practice of law in Wyoming at the discretion of the court once the Board has received the necessary fees, reviewed the application and motion, together with all supporting data and has forwarded its recommendation to the court, which will act on the recommendation in a timely manner. Any fraudulent act or misrepresentation in connection with the application shall be sufficient cause for the revocation of a subsequent order admitting the applicant to practice. Pursuant to Rule 302(g), an applicant for admission on motion who has not practiced for five of the seven years immediately preceding the date of the application in a jurisdiction that grants bar admission to attorneys licensed in Wyoming on the basis of practice in Wyoming shall not be eligible for admission on proof of practice elsewhere.~~

Rule 306 305. Applications for Admission by Transfer of Uniform Bar Examination UBE Score.

(a) UBE transfer applicants are those applicants who have taken the ~~Uniform Bar Examination (UBE)~~ UBE in another jurisdiction. It is the applicant's sole responsibility to contact the ~~National Conference of Bar Examiners (NCBE)~~ NCBE to initiate steps for the transfer of the applicant's UBE score.

(b) *Eligibility.* A UBE transfer applicant may be admitted without further examination if the applicant earned a score ~~that is passing under the scoring requirements contained in Rule 211(c).~~ The applicant's UBE score must be earned passing score on the UBE and the MPRE at an examination that was conducted less than three years prior to application for admission. A score is considered to have been earned on the date of administration of the UBE that resulted in the score. An applicant who failed to earn the score required by Rule 211(c) in four or fewer attempts, regardless of where the UBE was taken, shall not be eligible for admission by transfer of UBE score. The UBE transfer applicant must also meet the eligibility requirements contained in ~~Rule 302(a),(b),(c),(f),(h),(j), and (k)~~ Rule 302(a), (b), (d), (e), (g) and (h).

(c) All UBE transfer applicants shall complete an application prescribed by the Board and shall submit to a character investigation performed by or for the NCBE. An application for admission by transfer of UBE score shall consist of two parts:

(1) ~~a questionnaire and affidavit for applicants seeking transfer of UBE score prescribed or approved by the Board, and~~

(2) ~~a character investigation performed by or for the National Conference of Bar Examiners~~

(d) ~~The questionnaire and affidavit prescribed or approved~~ application prescribed by the Board shall be submitted with all supporting data required by the Board to determine eligibility under this rule. Supporting data shall include proof the applicant: ~~has passed the Multistate Professional Responsibility Exam with the score required by Rule 211(b).~~

(1) Has obtained a scaled score of 85 points or greater on the MPRE; and

(2) Has obtained a scaled score of 270 total points or greater on the UBE. An applicant for admission by UBE score transfer must sit for the entire UBE in the same exam administration to earn a portable UBE score. Wyoming does not accept MBE score transfers from other jurisdictions or from previous examinations for purposes of waiving the MBE portion of the exam.

(e) ~~An applicant for admission by transfer of UBE score may be admitted to the practice of law in Wyoming at the discretion of the Court once the Board has received the necessary fees, reviewed the application and motion, together with all supporting data and has forwarded its recommendation to the Court, which will act on the recommendation in a timely manner. Any fraudulent act or misrepresentation in connection with the application shall be sufficient cause for the revocation of a subsequent order admitting the applicant to practice.~~

(f) ~~Applicants admitted pursuant to this Rule 306 shall be required to complete the continuing legal education requirements for new admittees set out in Rule 4(b) of the Rules of the Wyoming State Board of Continuing Legal Education.~~

SECTION IV

INVESTIGATIONS TO DETERMINE CHARACTER AND FITNESS OF BAR APPLICANTS

Rule 401. Character and Fitness.

(a) Every applicant ~~to take the bar examination or for admission on motion~~ must produce satisfactory evidence ~~to the Board~~ of good moral character and an adequate knowledge of the standards and ideals of the profession and that such person is otherwise fit to practice law within the State of Wyoming. The applicant shall have the burden of proving that the applicant is possessed of good moral character and is fit to practice law. The primary purposes of character and fitness screening before admission to the Bar are to assure the protection of the public and safeguard the justice system. The Board shall not recommend an applicant be admitted to practice law if the Board believes that such applicant would, if admitted to practice law in Wyoming, be unable or unwilling to act in accordance with the standards set forth in the Wyoming Rules of Professional Conduct, and to act fairly, honestly, reasonably and with unquestionable integrity in all matters in which he or she acts as an attorney at law.

(b) The ~~revelation or discovery of any of the following~~ may be treated ~~by the Board~~ as cause for non-recommendation or for further inquiry before the ~~Board decides~~ Committee determines whether the applicant possesses the character and fitness to practice law:

- (1) Unlawful conduct;
- (2) Academic misconduct;
- (3) Making or procuring any false or misleading statement or omission of relevant information, including any false or misleading statement or omission on the application for admission to the Bar, or any amendment, or in any testimony or sworn statement submitted to the Board or the Committee;
- (4) Misconduct in employment;
- (5) Acts involving dishonesty, fraud, deceit or misrepresentation;
- (6) Abuse of legal process;
- (7) Neglect of financial responsibilities;
- (8) Neglect of professional obligations;
- (9) Violation of an order of ~~the~~ a court;
- (10) Evidence of mental or emotional instability;
- (11) Evidence of drug or alcohol dependency;
- (12) Denial of admission to the bar in another jurisdiction on character and fitness grounds;
- (13) Disciplinary action by the lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;
- (14) Any other conduct which reflects adversely upon the character ~~or~~ and fitness of the applicant.

Rule 402. Investigation of Applicants.

(a) Prior to the Board's recommendation to the Court that an applicant be admitted to practice law in Wyoming, the ~~Board shall, either directly or through the Committee,~~ Committee shall make such investigation as it deems necessary into the applicant's ~~character, reputation and background~~ character and fitness to practice law. Each applicant shall provide written ~~authority to the Board to conduct~~ authorization for such investigation, and each applicant shall authorize

all persons with information about the applicant to furnish the ~~Board~~ Committee with such information and documents as it may request. The authority granted by an applicant shall expire upon the applicant's admission to the practice of law in Wyoming, denial of the application, or upon the applicant's written withdrawal of the application.

(b) ~~The Board, the Committee, or their delegates~~ The Committee may contact all persons who may have information which the ~~Board or Committee~~ believes ~~will~~ may be relevant to the determination of the applicant's character and fitness to practice law. ~~Further, the Board may provide for the appointment of local committees on character and fitness to investigate the background of any applicant who has worked, resided or attended school in the judicial district. The reports of local committees shall include the facts found during their investigations but shall not include any recommendations.~~

(c) To supplement the character report of the ~~National Conference of Bar Examiners NCBE~~ for applicants for admission ~~on motion, the Board, the Committee, or their delegates~~ the Committee may contact persons listed as references on an applicant's character report, ~~the judge~~ persons providing requisite certification of character and fitness, an ~~attorney's~~ applicant's previous employer(s) ~~for the five years next preceding the filing of the application, an applicant's current or former law partners, fellow LLC or LLP members, fellow shareholders or other persons associated with the applicant in the practice of law, or such other persons as may offer relevant information regarding the applicant's ability and fitness to assume the duties and responsibilities of a member of the Bar.~~

(d) The Committee may request additional information from an applicant and may request an applicant to appear before the Committee in person or otherwise prior to the Committee's determination on the applicant's character and fitness to practice law. An application will be deemed withdrawn if the applicant fails to provide additional information or to appear before the Committee within 60 days of the Committee's request, unless a longer response time is allowed the applicant.

(e) ~~(d)~~ In making the determination on character and fitness of each applicant, the following factors should be considered in assigning weight and significance to prior conduct of the applicant:

- (1) The applicant's age at the time of the conduct;
- (2) The recency of the conduct;
- (3) The reliability of the information;
- (4) The seriousness of the conduct;
- (5) The factors underlying the conduct;
- (6) The cumulative effect of the conduct or information;
- (7) The evidence of rehabilitation;
- (8) The applicant's positive social contributions since the conduct;
- (9) The applicant's candor in the admissions process;
- (10) The materiality of any omissions or misrepresentations.

~~No person shall be recommended for admission to the Bar who has not reached the age of majority.~~

Rule 403. ~~Informal Conferences~~ Committee's Determination, Permissive Withdrawal of Applications, Reapplication.

(a) ~~In the Board's sole discretion, the Board, the Committee, or some other agent or representative under contract with the Board, may act in the first instance as to any applicant~~

~~without requiring the applicant to appear before the Board. The Board, the Committee, or the agent or representative of the Board or Committee may also require the applicant, together with the applicant's counsel if the applicant so desires, to appear before the Board or Committee in informal conference, be sworn and be questioned. If after such action or appearance the Board shall not be prepared to certify the applicant, it shall promptly notify the applicant that it cannot certify that the applicant is of approved good moral character and general fitness to practice law. Such notice shall be sent to the applicant by certified mail, with return receipt requested, to the applicant's last address on file with the Board and to the Clerk of the Court. Such notice shall also be sent to the applicant's counsel, if any. If following its investigation the Committee determines that an applicant possesses the necessary character and fitness to practice law it shall so inform the Board.~~

~~(b) The informal conference provided for in this Rule may be held before a single attorney member of the Board or Committee appointed for such purpose by the Board or Committee Chair, or before a quorum of the Board or Committee as a whole. If following its investigation the Committee determines that the applicant does not possess the necessary character and fitness to practice law, it shall promptly notify the applicant of its determination. Such notice shall be sent to the applicant by certified mail, return receipt requested, and to the applicant's counsel, if any. A copy of the notice shall be provided to the Board.~~

~~(c) With the permission of the Board and subject to such conditions as the Board may impose, Upon written request an applicant may withdraw his/her application before a final recommendation on such application has been filed by the Board with the Court. Further, the Board or the Committee may deem an application withdrawn if the applicant fails to provide additional or supplemental information within 60 days of its having been requested, unless a longer response time is allowed the applicant. In the event of a reapplication, any information obtained from any previous filing may be considered by the Board and the Committee.~~

~~(d) Any applicant whose application has either been withdrawn or deemed withdrawn shall not be eligible to file a new application for admission for a period of two years following the effective date of such withdrawal. In the event of a reapplication, any information obtained from any previous filing may be considered by the Board and the Committee.~~

Rule 404. Request for Hearing.

(a) The applicant shall have the right to file with the Board a written request for ~~reconsideration and~~ hearing within 30 days after receipt of the notice described in Rule 403. ~~Such request shall be verified by the applicant that all statements contained therein are true, on the applicant's own knowledge, or on the basis of information furnished to the applicant. Failure to file a timely request for reconsideration hearing shall constitute a waiver of any right to reconsideration hearing,~~ and the applicant shall be deemed to have abandoned the application.

(b) ~~The request for reconsideration filed by the applicant shall state all grounds upon which the applicant intends to rely and shall allege facts which, if true, would establish an abuse of discretion or improper conduct on the part of the Board, the Committee or their agents or representatives. Following receipt by the Board of a request for a hearing the applicant shall have thirty (30) days in which to review the information before the Committee in reaching its determination. Such review shall be made at the Bar office. No copies may be made and no notes may be taken.~~

~~(c) Upon receipt by the Board of the request for reconsideration and hearing, a hearing shall be granted by the Board under the following procedure: The Board shall notify the applicant and the Committee of the date, time and place of the hearing.~~

~~(1) The Board shall notify the applicant and the Committee of the date, time and place of such hearing;~~

~~(2) The Board shall notify the applicant and the Committee of the general subject of the inquiry;~~

~~(3) The Board shall notify the applicant of the applicant's right to be represented by counsel at the hearing, to examine and cross-examine witnesses, to adduce evidence bearing on the aforesaid adverse matters and general fitness to practice law, and for such purposes to make reasonable use of the Board's subpoena powers; and to offer evidence relevant to the applicant's character and fitness to practice law.~~

~~(4) The Board shall notify the Committee and the applicant of the right of the Committee to participate in the hearing as a party.~~

~~(d) The hearings before the Board shall be private unless the applicant requests they be public. The hearings shall be conducted in a formal manner, with the applicant having the rights set forth in this section. In any proceedings, the burden of proof shall be on the applicant to establish the applicant is possessed of good moral character and general fitness to practice law. The Board and the Committee shall each have the authority at their discretion, to retain an attorney to represent them in the matter. The attorney(s) shall be entitled to access all information to the extent required for purposes of the representation.~~

~~(e) The Board shall not be bound by the formal rules of evidence. It may, in its discretion, take evidence in other than testimonial form, having the right to rely upon records and other materials furnished to the Board in response to its request for assistance in its inquiries. The Board may, in its further discretion, determine whether evidence to be taken in testimonial form shall be taken in person at the hearing or upon deposition, but all testimonial evidence shall in either event be taken under oath. A record of the hearing shall be kept.~~

Rule 405. Procedure for Conduct of Formal Hearings.

~~In order to assist in the orderly conduct of formal hearings, the following procedural guidelines shall be applicable. Such proceedings are neither civil nor criminal but are sui generis. Except as specified herein, the provisions of the Wyoming Rules of Civil Procedure shall not apply. The Board is not bound by the formal Rules of Evidence. However, any issue of fact must be proved by evidence that is clear and convincing. At the hearing, the applicant shall have the burden of proving his/her character and fitness to practice law by clear and convincing evidence. Neither the Wyoming Rules of Civil Procedure nor the Wyoming Rules of Evidence shall apply.~~

~~(a) *Pleadings.* - The docket for all hearings before the Board shall be maintained at the office of the Bar. All original pleadings shall be filed with the Executive Director of the Bar. The form, style and content of all pleadings shall be: "In The Matter of An Application Before The Board".~~

~~(b) *Service of Notice or Any Other Pleading.* - All pleadings or other notices shall be served upon the Board and the Character and Fitness Committee by delivery of duplicate copies of such pleadings to the Executive Director of the Wyoming State Bar by personal service or by regular mail addressed to the Executive Director at the office of the Wyoming State Bar U.S. mail. Service of any pleading or other notice upon an applicant or the applicant's attorney shall be by personal service or by regular U.S. mail, addressed to the applicant at his or her place of~~

~~residence as stated in his or her application unless otherwise provided in the Rules or these guidelines. However, the applicant can direct that all notices be sent to his or her personal attorney by regular mail, in the alternative.~~

~~(c) Discovery.—~~

~~(1) Discovery shall be permitted as provided by the Wyoming Rules of Civil Procedure. Disputes concerning the scope and any other aspect of discovery shall be determined by the Presiding Officer of the Board or Hearing Officer chosen by the Board to conduct the hearing. All discovery orders are interlocutory and may not be appealed prior to the entry of the final decision by the board.~~

~~(2) At the discretion of the Board or Hearing Officer, a prehearing conference may be ordered. Applicant and/or applicant's attorney and the Committee and/or Committee's attorney shall submit a memorandum containing the following:~~

- ~~(A) A brief statement of the issues;~~
- ~~(B) Disputed issues of fact;~~
- ~~(C) Names and addresses, together with a statement of the testimony to be elicited. If depositions are to be submitted, identify the portions to be submitted;~~
- ~~(D) All exhibits proposed to be used at the hearing;~~
- ~~(E) Any discovery that remains prior to the hearing; and~~
- ~~(F) Any points of law deemed important.~~

~~(3) The chair or hearing officer shall, at the written request of the applicant, Board, Committee or counsel for applicant, Board or Committee, issue a subpoena for any witness or witnesses. The style of the subpoena shall be: "The State of Wyoming. In the Matter of an Application by Motion Before the Board", the time and place at which the witness is required to appear, and the person or official body at whose insistence the witness is summoned. It shall be signed by the presiding chairperson or hearing officer, and the date of issuance shall be noted thereon. The subpoena may command the person to whom it is directed to produce books, papers, documents, or other tangible things designated therein. Subpoenas shall be executed and returned after service to the Bar office prior to the hearing. The subpoena shall be served by personally serving a copy of such subpoena to the witness. Witnesses are entitled to the same witness fees and mileage as provided witnesses in the district court. All subpoenas shall be issued in the name of the Board of the Bar. Failure to comply with any subpoena issued as provided shall subject the party served to any penalty provided by law~~

~~(d) (c) Conduct of Formal Hearings. —~~

~~(1) Any member of the Board or hearing officer sitting at the hearing may administer oaths and affirmations. A stenographic record of the hearing shall be made with all testimony being received under oath. The hearing record shall include the information before the Committee in reaching its determination.~~

~~(2) The applicant shall have the right to be represented by counsel, to submit evidence, and shall have the right of cross-examination, and shall have the right to call witnesses, introduce exhibits and cross-examine witnesses called by the Committee. The applicant or applicant's attorney shall present evidence on behalf of the applicant at the hearing. The attorney for the Board or Committee may present evidence. Any member of the Board or the hearing officer shall make all evidentiary and procedural rulings.~~

~~(3) The formal hearing may be tape recorded or stenographically recorded and may be conducted without adherence to the Wyoming Rules of Evidence. Neither the manner of conducting the hearing nor the failure to adhere to the Rules of Evidence shall be grounds for~~

~~reversing any decision by the Board or hearing officer, provided the evidence supporting such decision is substantial, reliable, and probative. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The Committee shall be represented by Bar Counsel, who shall have the right to call witnesses, introduce exhibits and cross-examine witnesses called by the applicant.~~

~~(4) Copies of documentary evidence may be received at the discretion of the Chair or hearing officer.~~

~~(5) Notice may be taken of judicially cognizable facts.~~

~~(6) Testimony may be received by deposition or by phone at the hearing by the Board or hearing officer.~~

~~(7) The Board or hearing officer may allow the taking of additional evidence while the matter is still pending before it. The Board or Hearing Officer may continue the hearing or enter an order regarding the submission of additional materials.~~

~~(8) If a quorum of the Board is present at the formal hearing, a decision can be rendered. If a quorum of the Board is not present, the record shall be made available to all members, and thereafter a decision shall be made by a quorum of the Board as soon as practicable.~~

~~(e) (d) Findings and Conclusions. –~~

~~The Board's final decision as to the hearing shall be in writing and filed with the Court. If the Board recommends against admission, it shall make separate Findings of Fact and Conclusions of Law. The Board's final decision shall be mailed to the applicant at the applicant's last known address by certified mail, return receipt requested, and a copy shall be mailed to the applicant's attorney of record, if applicable. A copy of the Board's decision shall also be made available to the Committee or any attorney representing the Board or Committee.~~

~~(f) Appeals.~~

~~(1) — An applicant aggrieved by the final decision of the Board may within 30 days of such occurrence file a Verified Petition for Review with the Court. The petition shall succinctly and briefly state the facts that form the basis of the complaint and applicant's reasons for believing the court should review the decision of the Board.~~

~~(2) — A copy of said petition shall be promptly served upon the Executive Director for the Bar. The Executive Director, within 30 days of such service, shall transmit the applicant's file, including all findings and reports prepared by or for the Board and a response to the petition fully advising the Court as to the Board's reasons for its decision and admitting or contesting any assertions made by the applicant in said petition~~

~~(3) — The original petition and petitioner's brief together with six copies of each shall be sent to the Court. A copy of the petition and brief shall be served on the Executive Director of the Wyoming State Bar. Failure to file a petition within the time provided may be deemed a consent to the determination on the merits based upon the record of the hearing.~~

~~(4) — To the extent practicable, the procedures governing an appeal by an applicant for admission to the practice of law from a final decision of the Board shall be governed by the rules set forth in Wyoming Rules of Appellate Procedure.~~

~~(e) Appeals. An applicant may file a response with the Court to a final decision of the Board which recommends against admission within fifteen (15) days of service of the final decision on the applicant. The applicant shall serve a copy of such response upon the Executive Director.~~

~~(1) A response shall state explicit reasons for the exceptions to the final decision together with a brief prepared in accordance with Rule 7.01, W.R.A.P.~~

(2) The applicant may file a statement that the applicant does not wish to file exceptions to the report.

(3) If the applicant files a statement that the applicant does not wish to file exceptions to the report or if the applicant fails to respond, the Court shall proceed with such action on the final decision as it may determine to be appropriate.

(4) If the applicant files proper exceptions, the Court shall calendar the matter for such briefs or argument as it may deem appropriate and shall thereafter enter its judgment. The Court shall not receive or consider any evidence that was not presented to the Board.

Rule 406. Reapplication after Denial.

The Board shall not accept a new application from an applicant who has received a recommendation of denial based on the applicant's fitness to practice law until two years have elapsed from the date a tentative order of denial becomes final, a final decision is issued after a hearing and not appealed, or a final decision is affirmed by the Court, the latest of which date is applicable.

~~Rule 407. Rehabilitation.~~

~~Any applicant who asserts rehabilitation, from prior conduct which bears adversely upon such person's character and fitness for admission to the bar, shall be required to produce clear and convincing evidence of such rehabilitation, including, but not limited to, the following elements:~~

~~(a) Strict compliance with the specific conditions of any disciplinary, judicial, administrative or other order, where applicable;~~

~~(b) Unimpeachable character and moral standing in the community;~~

~~(c) Good reputation for professional ability, where applicable;~~

~~(d) Lack of malice and ill feeling toward those who by duty were compelled to bring about the disciplinary, judicial, administrative or other proceeding;~~

~~(e) Personal assurances, supported by corroborating evidence, of a desire and intention to conduct one's self in an exemplary fashion in the future;~~

~~(f) Restitution of funds or property, where applicable;~~

~~(g) Positive action showing rehabilitation by such things as a person's occupation, religion, community or civic service. Merely showing that an individual is now living as and doing those things he or she should have done throughout life, although necessary to prove rehabilitation, does not prove that the individual has undertaken a useful and constructive place in society. The requirement of positive action is appropriate for applicants for admission to the Bar because service to one's community is an implied obligation of members of the Bar.~~

SECTION V **ADMISSION TO PRACTICE**

Rule 501. Certification of Eligibility for Admission to the Bar.

Subject to the provisions of Rule 503, upon an applicant's satisfactory completion of the application process and provided that the applicant is certified to have the requisite character and

fitness to practice law and the applicant has met all of the requirements of these rules, the Board shall certify its recommendation to the Court that the applicant is eligible for admission to the practice of law. Certification may be in such form as the Board prescribes, including a letter, bearing the signature of the Chair or someone delegated by the Chair, provided that person is a member of the Board or the Executive Secretary to the Board.

Rule 502. Duty of the Court After Receiving Certification of the Board.

Subject to the provisions of Rule 503, the Court, upon receiving the Board's certification that an applicant is eligible for admission to the Bar, shall enter an order in substantially the following form:

"In the Matter of Admission of _____ to the Wyoming State Bar. It appearing that heretofore on the _____ day of _____, (year), the State Board of Law Examiners filed its report recommending that the above-named applicants, having met the requirements prescribed by law, are persons of good moral character, and of legal age; and it further appearing to the Wyoming Supreme Court that said report should be approved and that the applicants possess the qualifications required by law, are persons of good moral character, and of legal age; it is ORDERED that said applicants be and hereby are, admitted to practice as attorneys and counselors at law in all of the courts of this state upon taking the oath prescribed by the court and with the filing of said oath with the Clerk of the Wyoming Supreme Court.
DATED this _____ day of _____, _____ by the Chief Justice, Wyoming Supreme Court."

Rule 503. Conditional Admission.

(a) Conditional Admission. An applicant who satisfies the essential eligibility requirements for admission to practice law and currently satisfies character and fitness requirements except that he or she is engaged in a sustained and effective course of treatment for or remediation of:

- (1) substance abuse or dependence;
- (2) a diagnosed mental, behavioral or physical impairment that, should it reoccur, would likely impair the applicant's ability to practice law or pose a threat to the public; or
- (3) neglect of financial affairs, may be admitted to practice law conditioned upon the applicant's compliance with appropriate post-admission requirements.

(b) Procedure. The Committee shall make conditional admission recommendations to the Board. The Board shall make recommendations to the Court. Those recommendations shall include recommended relevant conditions that an applicant must comply with during the period of conditional admission. The Court may grant conditional admission based upon conditions the Court determines appropriate under the circumstances.

(1) Before the Court grants conditional admission, the applicant will enter into a Monitoring Agreement setting forth the requirements with which the applicant must comply during the period of conditional admission.

(2) Once the Monitoring Agreement has been executed and submitted to the Court, the Court may enter an order admitting the applicant. The order admitting the applicant will not

indicate that the admission is conditional or different in any respect from orders admitting other applicants.

(c) *Conditions.* The Committee and the Board may recommend, and the Court may order, that an applicant's admission be conditioned on the applicant's complying with requirements that are designed to detect and address behavior that could render the applicant unfit to practice law and to protect clients and the public. Conditions may include the following: alcohol, drug or mental health treatment; medical, psychological or psychiatric care; participation in group therapy or support; random chemical screening; monitoring, supervision or mentoring; or other conditions deemed appropriate by the Committee, Board or Court. The conditions shall be tailored to detect and address recurrence of the conduct or behavior which could render an applicant unfit to practice law or pose a risk to clients or the public and to encourage continued abstinence, treatment or other support. The conditions should be established on the basis of clinical or other appropriate evaluations, take into consideration the recommendations of qualified professionals, when appropriate, and protect the privacy interests of the conditionally admitted attorney in professional treatment records to the extent possible. The conditions shall be set forth in a Monitoring Agreement signed by the applicant, which shall be made a part of the conditionally admitted attorney's application file and shall remain confidential, except as provided in this and any other applicable rules.

(d) *Length of Conditional Admission.* The initial conditional admission period as established in the Monitoring Agreement shall not exceed sixty months.

(e) *Compliance with Monitoring Agreement.* During the conditional admission period, the Committee shall take such action as is necessary to monitor compliance with the terms of the Monitoring Agreement, including requiring an appearance before the Committee and requiring responses to requests for information by the Committee.

(f) *Failure to Fulfill the Terms of Conditional Admission.* Failure of a conditionally admitted attorney to fulfill the terms of a Monitoring Agreement may result in modification of the agreement, including extension of the period of conditional admission, suspension or termination of the conditional admission or such other action as may be appropriate under these Rules.

(g) *Violation of Monitoring Agreement.* Incidents of non-compliance with the Monitoring Agreement will be reported by the Committee to the Board. If the Board determines that the requirements of the Monitoring Agreement have been violated and the violation is material, the Board shall cause Bar Counsel to initiate proceedings to determine whether the conditional admission should be terminated, extended or modified.

(h) *Termination.* The Bar may petition the Court for an order to show cause why the conditionally admitted attorney's membership should not be terminated. If a petition is filed:

(1) The Court shall examine the petition and determine whether a *prima facie* showing of a violation of the Monitoring Agreement has been demonstrated. If the Court determines that such a showing has been made, it shall immediately suspend the conditionally admitted attorney and issue an order to show cause why the conditionally admitted attorney's membership should not be terminated.

(2) A suspended attorney shall comply with the requirements of suspended attorneys.

(3) The conditionally admitted attorney may file a verified response to the order to show cause, in which case the Court shall assign the matter to the Board for hearing and recommendation.

(4) Following the hearing, the Board may recommend, and the Court may order, the conditional admission be extended or modified or that the conditionally admitted attorney's membership be terminated.

(5) The hearing shall be conducted as provided in Rule 405.

(i) *Expiration of Monitoring Agreement.*

(1) Unless the conditional admission is terminated or extended or a petition to terminate for a violation of a Monitoring Agreement is pending, the conditions imposed by the Monitoring Agreement shall expire upon completion of the period of conditional admission.

(2) In such case, the Board shall notify the Court that the conditionally admitted attorney has complied with all requirements of the Monitoring Agreement and that the terms of conditional admission have been satisfied.

(j) *Confidentiality.* Except as otherwise provided herein, and unless the Court orders otherwise, the fact that an individual is conditionally admitted and the terms of the Monitoring Agreement shall be confidential, provided that the applicant shall disclose the terms of the applicant's conditional admission to the admissions authority in any jurisdiction where the applicant applies for admission to practice law. These provisions for confidentiality shall not prohibit or restrict the ability of the applicant to disclose to third parties that the applicant has been conditionally admitted under this rule, nor prohibit requiring third-party verification of compliance with terms of conditional admission by admission authorities in jurisdictions to which the conditionally admitted attorney may subsequently apply.

Rule 504. Attorney's Oath Form; Entry on Minutes; Time Limit on Admission.

(a) Pursuant to W.S. § 33-5-112, following the order of the Court admitting the applicant to the Bar with authority to practice as an attorney and counselor at law in the Court and all courts of the State of Wyoming, the candidate shall make the following oath:

"I, _____, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution and laws of the State of Wyoming, and that I will faithfully and honestly and to the best of my ability discharge the duties of an Attorney and Counselor at Law."

The oath may be administered by the clerk or any of the justices of the Court, or by a clerk or any judge of a Wyoming district court. If the applicant resides outside the state, the oath may be administered by any judicial officer (*i.e.*, judge or court clerk) authorized to administer oaths.

(b) The completed original attorney's oath must be filed with the Clerk of the Court no more than ninety days after the date of the Court's order admitting the applicant to the Bar. Except as provided below, failure to timely satisfy the provision of this rule shall require an applicant to recommence the application process including a new application, payment of fees, a character and fitness investigation and retaking of the Bar Examination, if applicable.

(c) An applicant who fails to take and file the oath within ninety days from the date of the Court's order may, for up to 12 months from the date of the Court's order admitting the applicant to the Bar, file an affidavit with the Board explaining the cause of the delay. Upon consideration of the affidavit, the Board may, for good cause shown, recommend to the Court that the applicant

be permitted to file the oath late or recommend to the Court that the applicant not be permitted to file the oath late.

Rule 505. New Admittees – Mandatory Continuing Legal Education.

(a) Each new admittee to the Bar shall complete, within 12 months of the date of admission, a six-hour continuing legal education course. The course shall be conducted by the Bar and shall be available at least three times a year, at such times and places as the Bar may designate. No other course or courses may be used to satisfy the requirements of this subsection. The course shall include the following:

(1) General procedures, with focus on Professional Conduct Rules 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.7, 1.8 and 1.9 (conflicts of interest) and 1.15 (safeguarding property); courtroom professionalism, civility, and other litigation-related matters; and the function of the Bar and Bar Committees including the Wyoming Lawyer Assistance Program. 3.0 hours; and

(2) A course on Wyoming specific law, which shall be developed under the authority of the Board of Law Examiners. 3.0 hours.

(b) The continuing legal education hours required of new admittees as described in this Rule shall also qualify as continuing legal education that may be required by the Rules of the Wyoming State Board of Continuing Legal Education.

(c) If a new admittee does not complete the continuing legal education course required by this rule within 12 months of the date of admission, the Wyoming State Bar shall forward a Recommendation for Suspension for Noncompliance with the new admittee continuing legal education requirement to the Court.

(d) 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 new admittee's license to practice law in the State of Wyoming should not be suspended, sent by certified mail, return receipt requested, addressed to the new admittee at the official address listed with the Wyoming State Bar. The new admittee may 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 new admittee shall also serve a copy of the response on the Board of Law Examiners, together with a \$300.00 noncompliance fee payable to that Wyoming State Bar.

(e) In the absence of good cause shown, an order of suspension from the practice of law for a period of one (1) year shall issue from the Court.

(1) Within 15 days of the date of an order of suspension, the suspended attorney shall notify the following persons by registered or certified mail, return receipt requested, of the attorney's suspension and the attorney's consequent inability to act as an attorney after the effective date of the suspension:

(A) All clients with pending matters in the State of Wyoming. The attorney shall advise clients to seek legal advice elsewhere and to obtain another attorney for litigated matters or administrative proceedings in the State of Wyoming.

(B) Any co-counsel who is involved in litigated matters or administrative proceedings in the State of Wyoming.

(C) The attorney for each adverse party or, in the absence of such counsel, the adverse party or parties in litigated matters or administrative proceedings in the State of Wyoming. The notice to parties shall state the place of residence of the client of the suspended attorney.

(D) All courts or administrative bodies in which the attorney has matters pending in the State of Wyoming.

(2) If an attorney has not filed a petition for reinstatement within six months from the date of the order, the attorney shall within 15 days deliver to all present and former clients all client files.

(3) A suspended attorney shall notify the client of all deadlines and scheduled court dates.

(4) A suspended attorney, after entry of the suspension order, shall not accept any new legal matters in the State of Wyoming. During the period from the entry date of the order to its effective date, the attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

(5) A suspended attorney shall return any unearned fees.

(6) Within 30 days after the effective date of the suspension order, the suspended attorney shall file with the Court and Board an affidavit showing that the attorney has fully complied with the provisions of the order and with this rule and stating the address where communications may thereafter be directed.

(7) A suspended attorney shall maintain records of the steps taken to comply with this rule.

(8) The provisions of this section are deemed to be incorporated into all orders of suspension. Failure to comply with any requirement of this section is punishable as contempt.

(f) Reinstatement. The suspended attorney may be reinstated upon the filing of a petition for reinstatement within one (1) year of the date of the order of suspension, which petition shall be filed, along with six copies, with the Supreme Court. A copy of the petition shall also be provided to the Board of Law Examiners. The petition shall be supported by an affidavit which shows: (1) that 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) that the attorney is current on all mandatory continuing legal education requirements; (3) that 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 (4) the attorney has complied with all other applicable conditions for reinstatement. The petition shall be accompanied by all appropriate fees for applicants for admission on motion. A response by the Board of Law Examiners may be filed within twenty (20) days of the date of service of the petition for reinstatement. If an attorney who is suspended from the practice of law non-compliance with the requirements of this rule has not petitioned for reinstatement within one (1) year of the date of the order of suspension, 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 these rules.
