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## Address by the President of the Wyoming State Bar Ass'n

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ADDRESS BY

JOHN P. ILSLEY

*President Wyoming State Bar*

To the Members of the Wyoming State Bar:

This address is probably the least important of any part of the program of the Wyoming State Bar, yet Rule 10 of the rules governing the Bar requires that the President of the Bar, at the annual meeting, address the assembly, apparently upon any subject of which he may be disposed. I prefer to review the activities of the Bar during my term as your President. I think that too many members of our Bar have the impression that the officers, commissioners, and committee members serve only in an honorary capacity and perform no useful function.

At the inception of my term we were involved in a general election and there were many issues of significant importance to the Wyoming State Bar. The first was the proposed Constitutional Amendment No. 1, which had to be adopted by the populace if our Model Corporation Act, if passed by the legislature, could be successful. Constitutional Amendment No. 2, it was discovered by your President, contained an error which completely nullified the intent thereof. Also, we were involved in the addition of a new member of the Supreme Court, as well as the election of one of the Justices therein.

Many city and county bar associations participated actively, along with the Wyoming State Bar, in these non-controversial questions to inform the public intelligently with respect to these problems. The result was that the myth that has existed in the past was exploded that whenever lawyers attempt to participate in things political or pertaining to the judiciary that it is the kiss of death. Through the various mediums of radio, television, and newspapers, individuals, as well as group members of the Bar, arranged for time and used their own time and money to properly inform the public of the issues. The election returns indicated the confidence that the public has in the profession. I can only urge that in event such a situation would arise in the future that members of the Bar will roll up their sleeves and go to work to fulfill their obligation to keep the public informed.

Shortly thereafter the Wyoming State Bar, as well as the twenty-six other state integrated bars and the integrated bars of the Virgin Islands and Porto Rico, were faced with the possibility of extinction. One Trayton L. Lathrop, a member of the State Bar of Wisconsin, who had sued Joseph D. Donehue, Treasurer of the State Bar of Wisconsin, for the return of his Fifteen Dollars membership, on the grounds that compulsory membership in that bar association violated the constitutional guarantees of free speech and assembly. He appealed to the United States Supreme Court from an adverse decision by the State Supreme Court in Wisconsin. The Wisconsin

Bar was greatly disturbed as to the possible results, because of recent decisions of our United States Supreme Court. They enlisted the support of each one of the integrated bars in the United States and asked that briefs amicus curiae be filed by each bar association so affected. I contacted our commissioners and they agreed that such a brief should be filed on behalf of the Wyoming State Bar; however, in discussions with the various presidents, the conclusion was reached among us that so many individual briefs might tend to lend more credence and importance to this matter than it deserved and that a more strategic approach to the solution would be for affected bars in various areas to file a brief as a group.

After many telephone conferences it was decided that Arizona, Oregon, Idaho, Utah and Wyoming would form a group and submit a brief. The Utah State Bar graciously volunteered to draft, prepare, and print the brief if the other state bars would assist in furnishing information peculiar to their particular bar. This was done and the brief filed in behalf of the western states above mentioned. We certainly owe a great debt of gratitude to the members of the Utah State Bar for this fine accomplishment.

Some two months ago the Supreme Court of the United States, by a seven-to-two decision, Justices Douglas and Black dissenting, affirmed the decision of the Wisconsin Supreme Court and sustained the constitutionality of an integrated bar. Consequently, at the present time we continue in existence.

However, we are not completely out of the woods, since the United States Supreme Court declined to rule on the constitutional issue of the freedom of speech. This phase of the appeal was based on Lathrop's complaint that the integrated bar participated in legislative activity which was repugnant to him and possibly other members of the Bar, forcing him either to remain silent or resign as a member of the Bar, and, therefore, be deprived of his only means of livelihood. The Court did say, however, "It is plain that legislative activity is not the major activity of the State Bar." I can only issue to future officers and commissioners a word of caution in this regard. To date I do not believe we have participated in any legislative activity, other than that of general interest to the public and the bar as a whole.

This, of course, being a legislative year, a preponderance of the activity of the Bar was concentrated in this area. By direction of this body there was appointed a committee, consisting of James O. Wilson, Chairman, Howell C. McDaniel, Jr., Gordon W. Davis, L. A. Crofts, and Harry L. Harris to make an investigation and report at the legislative meeting for approval by this March of a proposal for the selection of Supreme Court Justices and District Judges. This committee worked diligently and extensively, and at the legislative meeting in January reported that their findings indicated amendment of the constitution as the first step or phase in adopting a judicial selection program. The proper

bill was drafted and introduced after considerable difficulty. However, even though your committee members and officers appeared before the Judicial Committee in the House to urge the passage of this Act, it never came out of the committee. The brethren of the Bar in the legislature on the Judiciary Committee exhibited little or no interest therein. During the course of this session you will have a more detailed report of this committee, but I can only urge continued effort in this area.

With some fear of infringement upon the report of the Legislative Chairman, John Sullivan, I think generally we can point with pride to the results obtained in the last legislative session. The Model Corporation Act and the Uniform Commercial Code were passed and adopted into law. This has only been done by a concentrated effort on the part of the Model Corporation Act Committee and the Uniform Commercial Code Committee. The Wyoming State Bar was a motivating factor in the passage of both of these Acts. Other legislative acts of interest to the Bar I shall leave to the report of the Legislative Committee Chairman. I certainly want to express my sincere thanks to this committee for their efforts.

Another activity on which you will hear a report during the progress of this session is that of a committee appointed by your President with the approval of the Commissioners for an investigation with respect to the adoption of uniform jury instructions. This committee has been functioning for a period of about five months and I believe will have some interesting information to submit to you for approval. Time has not permitted them to have a complete report but I am advised that this project is well under way.

I am sorry to report that our "Law Day USA" activities were not up to standard this year. The responsibility for this activity has been delegated to the standing committee of the Bill of Rights of our State Bar. However, this year the committee seemed to be destined to act without a chairman. C. R. Holland, who agreed to assume the chairmanship, was moved from the state after the commencement of the year, and Frank Schoffield agreed to assume this responsibility and subsequently became sick and passed to the Great Beyond. Nevertheless, because of the fine job done in previous years by Harry Thompson and Jim Barrett, the local bar associations, I am advised, participated in programs in the schools and before service clubs on a voluntary basis to the extent that a fair program was presented to the public. It is regrettable that this fine program was allowed to lag, but because of the splendid foundation I believe that in the future progressive activity can be anticipated.

Another important activity of the Bar is the functioning of the Committee for the Publication of the Wyoming Reports, of which Clarence Brimmer, Jr., is Chairman. He and Justice Harry S. Harnsberger, of the Wyoming Supreme Court, along with other members of the committee, have made an intensive search for a solution of this problem. During the

course of this session they will give a more detailed report and recommendations based on their intensive investigation into the problem. Here, again, the Legislative Committee and the Wyoming State Bar were able to have legislation passed enabling the Supreme Court to assume responsibility and devise a better system for the publication of the court's decisions.

During this session there is going to be presented for discussion a proposal as to the means of revising our minor court system in this state. This specifically refers to our Justice of the Peace system and City Police Judge system as it presently exists. I bring this to your attention at this time in order that you may discuss the same among yourselves and be fully prepared for an extensive discussion on Saturday when it is presented on the floor. I surely hope that some feasible solution will be forthcoming.

Both your President and President-elect were invited to Salt Lake City to attend a preliminary planning session for a regional meeting of the American Bar Association in Salt Lake City on May 31, June 1 and 2, 1962. The Salt Lake City County Bar and the Utah State Bar are hosting this meeting. This regional meeting will be for the states of Idaho, Utah, Arizona, New Mexico, Colorado and Wyoming, and is a tremendous undertaking on the part of our friends in Utah. They have asked us to participate in the planning and in the dissemination of the information with respect to the program after it has been completed, but more important is the attendance of the members of this Bar at this regional meeting. It has been many years since we have had a regional meeting in this area, the last being at Yellowstone Park, and those of you who attended, I believe, will agree with me that a great deal of knowledge and information can be gleaned by attendance and participation. I urge every member of the Wyoming State Bar to plan to attend the meeting, and respectfully request that any of you in a particular area of this state who are called upon to perform in any capacity or participate in this program to lend your every effort. This is an opportunity that does not present itself frequently and I believe we should take advantage of it, as well as indicating to the Bar of Utah our appreciation for this great undertaking.

With regard to Continuing Legal Education, the Chairman of this committee, Max Osborn, has been actively participating with similar chairmen of the States of Nebraska and Colorado in hopes of working out a program whereby some particular phase of the law may be presented to the members of the Bar of western Nebraska, northern Colorado and Wyoming. It is hoped that by a concentration of effort perhaps a more desirable program could be promulgated and would be outstanding enough to create interest in the members of the Bar so that they would take time off from their practice and attend. Too many times these programs are not well attended and the great effort exerted by participants has not been properly recognized. This year, because of the legislative activity, and the institute on the Uniform Commercial Code, directed and presented

by our law school at the University of Wyoming, it did not appear feasible that any other program of continuing legal education would be properly received.

I would like to recommend to the Bar that the possibility of inaugurating a client security fund be investigated. This program is past the controversial state, in my mind, and I believe that one of the functions of the Bar is to assume its obligations to the public. Other states have successfully utilized this program to reimburse "bilked clients," but for public relations as well.

We think that we have arranged an interesting and informative program for this, the forty-sixth annual meeting of the Bar. We have tried to gear the program to cover fields in which requests by members of the Bar seem to be more pressing. I extend to our guests and participants a most hearty western welcome and our sincere appreciation for their time and effort in enabling us to share their deep knowledge of the law.

This year we have somewhat violated the traditions of recent years of having the banquet on Friday night of our session, and changed it to Saturday night. This was done in hopes that more of you might remain and participate in the business sessions of the Bar and exercise your right of choice for the election of the officers of the Wyoming State Bar. One can only gain experience by actual practice and if, after this trial, you believe that it is more practical for other arrangements, I sincerely hope that you will advise the officers and commissioners within the near future.

I am deeply grateful to the Sheridan County Bar Association in making arrangements for this meeting, and to the members of the Johnson, Campbell, Weston and Crook County Bars for their assistance.

Saturday afternoon I will turn over the gavel of the presidency of the Wyoming State Bar to George P. Sawyer. I know George to be a fine lawyer and a leader, and during this past year, to have been most cooperative and helpful to me. Let's give George our whole-hearted support and assist him in any manner in the participation of his program for the ensuing year.

The privilege of serving as President for the past year is one that I shall never forget. However, I am well aware that that which has been accomplished, if anything, could not have been done without the full support and effort of the officers, commissioners, and members of the various committees. To each of you, I say thank you. To all members of the Wyoming State Bar I say thank you from the bottom of my heart for the privilege of serving you this past year.