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Report of the Wyoming Associate Subcommittee of the American Bar Association Committee on the Defence of Indigent Persons Accused of Crime

Wyoming State Bar

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There is not an instruction for every occasion. In some instances the Committee felt that the law was not yet determined in Wyoming and as a result did not draft an instruction for that subject. In other instances, we, following the theory of the Illinois Committee, have recommended that no instruction be given—generally because the subject is more probably one for argument to the jury. The mere fact that it is not error to give an instruction does not necessarily mean that the instruction is either necessary or a good one. We do believe, however, that the ordinary negligence action is provided for.

We recommend that these instructions be adopted by the Wyoming State Bar and that the Bar recommend to the Bench and members of the Bar that the Wyoming Jury Instruction be used whenever applicable unless the court determines that it does not accurately state the law.

We hope that the Wyoming Supreme Court will eventually endorse the use of the instructions by a rule of that court.

Respectfully submitted,
Ross D. Copenhaver, Chairman

REPORT OF THE WYOMING ASSOCIATE SUBCOMMITTEE OF THE AMERICAN BAR ASSOCIATION COMMITTEE ON THE DEFENCE OF INDIGENT PERSONS ACCUSED OF CRIME.

At the August, 1962 meeting of the American Bar Association, a special Committee on the Defense of Indigent Persons Accused of Crime was appointed, in the belief that this is a problem area of considerable importance to the profession at the present time. The understanding was that the Presidents of State Bar organizations would thereafter appoint Associate Subcommittees in each State. Pursuant to this understanding, President George Millett of the Wyoming State Bar appointed the undersigned as members of the Wyoming Associate Subcommittee.

The American Bar Foundation then entered upon a State-by-State survey of the problems involved in the representation of indigent persons accused of felonies in State courts. It was agreed that in this endeavor the ABF would work in close cooperation with the above mentioned special ABA committee and with the Associate Subcommittees for each State. The American Bar Foundation survey is being financed by the Ford Foundation, the American Bar Association, the American Bar Foundation and State Bar Associations. The survey is being conducted under the direction of one or more Reporters for each State. These Reporters are usually practitioners active in the criminal law field, or members of law faculties whose teaching assignments cover this field. Reporters are appointed by the American Bar Foundation, with the approval of the Chairman of the State Associate Subcommittee. The Reporter for Wyoming is Professor John O.

Rames of the University of Wyoming College of Law, who has taught Criminal Law and Constitutional Law ever since he joined the faculty 15 years ago.

It will be observed that the American Bar Foundation survey is narrower in scope than the total problem of the defense of indigent persons accused of crime, in that the survey is limited to State courts, and to felony charges. The general purpose of the project is to obtain detailed and reliable current information about the various state systems for providing counsel for indigents accused of felonies. After the survey in a State has been completed, a State report will be prepared by the Reporter, subject to the approval of the State Associate Subcommittee. From these State reports a national report will be compiled by the headquarters staff of the American Bar Foundation, and this national report will be published in book form, with the publication date scheduled for the early summer of 1964.

The Wyoming survey is now under way, and should be completed within the next two weeks. It is expected that shortly thereafter, the Wyoming report will be completed, the target date being October 15, 1963. The project is conducted through the medium of nine questionnaire forms which were prepared in the headquarters of the American Bar Foundation in Chicago. Form I is a general informational form consisting of 32 pages. Form II reflects what are called docket studies of felony cases in District Courts, and is four pages in length. Form III pertains to the operation of the assigned counsel system such as we have in Wyoming, and consists of two pages. Form IV, of seven pages, applies to States in which (unlike Wyoming) public or the legal aid type of defenders are used. Form V, two pages, is a questionnaire to lawyers who have been assigned to represent indigent criminal defendants. Form VI, of nine pages, is an interview questionnaire to District Judges on the operation of the assigned counsel system. Form VII, seven pages, is a similar questionnaire for County and Prosecuting Attorneys. Form VIII, six pages in length, is a mail questionnaire to such District Judges as are not personally interviewed, and Form IX, of four pages, is a mail questionnaire to such County and Prosecuting Attorneys as are not personally interviewed.

The study is set up on a county basis. Four of the 23 Wyoming counties were selected by the Chicago staff of the ABF for intensive survey, in the sense that District Judges and Prosecuting Attorneys in those counties were personally interviewed by the Reporter. The counties selected were Albany, Laramie, Natrona and Park. While no explanation of this selection has been given, one may surmise that it represents the two largest counties in terms of the volume of criminal business, a middle-sized county, and a small county. In two of these counties — Albany and Natrona — docket studies were made, involving a sampling of the felony cases filed during the calendar year 1962. Form I — the general information form — was completed for the four counties only, Albany, Laramie,

Natrona and Park. However, all of the 11 District Judges are being contacted either in person or by mail questionnaire, and all of the 23 Prosecuting Attorneys are being contacted in person or by mail questionnaire. The views of 33 lawyers who have been appointed as counsel for indigents in the four counties are being solicited through Form V, one of the mail questionnaires. As a result of all of this activity, it is believed that a fair picture can be obtained of the manner in which the defense of indigent persons accused of felonies in Wyoming courts is being provided. It should be emphasized that the choice of method, the preparation of Forms, and the selection of interviewees all were determined by American Bar Foundation staff, and not locally.

Since the study has not as yet been completed, the Associate Subcommittee is not in a position to report results. The Subcommittee, joined by the Reporters, does wish to express its deep appreciation to the members of the Bench and Bar of the State who have responded so generously and promptly to our request for assistance in the conduct of the study.

Respectfully submitted to the September, 1963 meeting of the Wyoming State Bar:

WYOMING ASSOCIATE SUBCOMMITTEE OF THE AMERICAN BAR
ASSOCIATION COMMITTEE ON THE DEFENSE OF INDIGENT
PERSONS ACCUSED OF CRIME,

Arthur F. Fisher
Charles E. Graves, Jr.
Stanley K. Hathaway
John W. Pattno
Walter F. Scott
Oliver W. Steadman
John F. Raper, Chairman

REPORT OF COMMITTEE ON JUDICIAL SELECTION

Your Committee on Judicial Selection has had two meetings since its appointment in March of this year. One of the meetings was an informal meeting with the members of the Supreme Court of Wyoming which proved to be most helpful to your committee; it should be pointed out that nothing in this report should be implied or construed as expressing any view whatever of the Court or any member thereof, with reference to the matters hereinafter referred to. However, your committee would be hopeful that the Court and its members would approve the suggestions and recommendations herein made. In our review of the matter of judicial selection your committee has considered the work of prior committees of the Wyoming State Bar and the provisions of H.J.R. No. 10 which was introduced in the Wyoming Legislature on January 27, 1961. That resolution called for the submission to the electorate of Wyoming of a Constitutional Amend-