

HOUSE BILL NO. HB0214

Practice of law-amendments.

Sponsored by: Representative(s) Brown and Stubson and
Senator(s) Nicholas, P.

A BILL

for

1 AN ACT relating to the practice of law; amending, updating
2 and repealing provisions related to the practice of law as
3 specified; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 33-5-102, 33-5-105, 33-5-108 through
8 33-5-112 and 33-5-116(a) are amended to read:

9

10 **33-5-102. State board of law examiners; date, rules**
11 **and quorum for meetings; election of officers; supreme**
12 **court to prescribe rules.**

13

14 The state board of law examiners shall hold at least two
15 (2) regular meetings each year for the examination of

1 applicants, at times and places as prescribed by rules of
2 the supreme court. Special meetings may be held as
3 determined by the board from time to time. At all
4 meetings, a majority of the board constitutes a quorum.
5 The board shall select a chairman ~~and secretary~~ from its
6 membership. ~~All examinations shall be in writing upon~~
7 ~~questions prepared or approved by the board.~~ The supreme
8 court shall prescribe rules not inconsistent with this act
9 to carry out the purposes of this act ~~and secure a system~~
10 ~~of uniform examination~~ for admission to the bar of this
11 state.

12

13 **33-5-105. Applications for admission to bar;**
14 **qualifications of applicants.**

15

16 No one shall be admitted to the bar of this state who shall
17 not be an adult ~~citizen of the United States and a person~~
18 ~~of good moral character. No one shall be examined unless he~~
19 ~~shall give satisfactory evidence of having studied law at~~
20 ~~least three (3) years in a law school approved by the state~~
21 ~~board of law examiners, or shall give satisfactory evidence~~
22 ~~of having attended a law school as herein provided for a~~
23 ~~period of at least one (1) year, and in addition thereto~~

1 ~~shall have studied law at least two (2) years in the office~~
2 ~~of a member of the bar, or one (1) of the judges of this~~
3 ~~state, or shall give satisfactory evidence of having~~
4 ~~attended a law school as herein provided for a period of~~
5 ~~two (2) years, and in addition thereto shall have studied~~
6 ~~law at least one (1) year in the office of a member of the~~
7 ~~bar, or one (1) of the judges of this state. Said study~~
8 ~~must have been actually and not constructively commenced~~
9 ~~and continued~~ who has been awarded a juris doctor degree
10 from a law school accredited by the American Bar
11 Association.

12
13 **33-5-108. Bar examinations; generally.**

14
15 The examination of any applicant to the bar of this state
16 shall be conducted pursuant to rules of the supreme court.7
17 ~~upon written questions prepared or approved by the board,~~
18 ~~in the presence of one (1) or more examiners, the district~~
19 ~~judge or some other discreet and competent person selected~~
20 ~~by the board or a majority of its members. The questions~~
21 ~~and answers shall be returned to the board by the person~~
22 ~~conducting the examination and the board shall report~~
23 ~~thereon as in other cases.~~

1

2 **33-5-109. Bar examinations; no assistance or advice**
3 **except as permitted.**

4

5 At any examination of applicants for admission to the bar,
6 it shall be unlawful to permit the person being examined to
7 receive, during the examination and after the questions
8 have been submitted to ~~him~~ the person, any assistance or
9 advice from any other person or persons, book or memorandum
10 except as provided by rules of the supreme court to
11 accommodate persons with disabilities.

12

13 **33-5-110. Admission of foreign attorneys on motion.**

14

15 Any person who may have been admitted to practice as an
16 attorney in the highest court of any other state or
17 territory, ~~and who shall have been engaged in practice~~
18 ~~therein may, in the discretion of the supreme court, be~~
19 ~~admitted to practice in the courts of this state without an~~
20 ~~examination, upon presentation of his certificate of such~~
21 ~~admission, and upon showing to the satisfaction of the~~
22 ~~court that he is still in good standing as an attorney in~~
23 ~~the courts of such other state or territory, and that he is~~

1 ~~a person of good moral character. The court may adopt rules~~
2 ~~for the proof of such qualifications~~ may be admitted to the
3 bar of this state pursuant to the rules of the supreme
4 court for admission on motion.

5

6 **33-5-111. Attorneys admitted pro hac vice to try**
7 **pending case.**

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9 Members of the bar of any other state, district or
10 territory of the United States, who may be employed as
11 counsel in any case pending before any of the courts of
12 this state, may be admitted pro hac vice for all the
13 purposes of the case in which they are so employed, by the
14 court before which said case is pending, ~~without~~
15 ~~examination~~ pursuant to rules of the supreme court.

16

17 **33-5-112. Oath of attorney; attorney not to be surety**
18 **on official or judicial bond.**

19

20 No person shall be deemed admitted to the bar until he
21 shall have taken and filed an oath as provided in this
22 section. The oath shall be to the effect that he will
23 support, obey, and defend the constitution of the United

1 States, and the constitution and laws of this state, and
2 that he will faithfully and honestly and to the best of his
3 ability discharge the duties of an attorney and
4 counselor-at-law. The ~~said~~ oath may be administered by the
5 clerk, ~~or~~ one (1) of the justices of the supreme court, ~~in~~
6 ~~or out of court, or by~~ a district judge in his district, ~~or~~
7 the clerk of court in his county. ~~;~~ ~~and when not taken in~~
8 ~~the supreme court in open session the same~~ The oath may be
9 administered in another state or territory of the United
10 States by a judge or justice of a court of general
11 jurisdiction or an appellate court. The oath shall be
12 reduced to writing, signed by the person taking, and
13 certified to by the officer administering the same and
14 filed in the office of the clerk of the supreme court. ~~If~~
15 ~~taken in open court the journal shall show that fact. No~~
16 ~~practicing attorney shall be taken on any official bond, or~~
17 ~~bond in any legal proceeding in the district in which he~~
18 ~~may reside.~~

19

20 **33-5-116. Payment of annual license fee; fiscal year**
21 **of state bar.**

22

1 (a) All members of the state bar shall ~~by the second~~
2 ~~week of October~~ pay to the treasurer of the state bar, as a
3 license fee for the ensuing year, an annual license fee in
4 an amount to be established by the board of commissioners
5 of the Wyoming state bar pursuant to ~~W.S. 33-1-201~~ the
6 bylaws of the state bar. Honorary and retired members may
7 be exempted completely from the payment of any fees or
8 allowed to pay less than the regular license fee in the
9 discretion of the board of commissioners. Fees shall
10 constitute a fund to be held and disbursed by the treasurer
11 upon order of the board.

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13 **Section 2.** W.S. 33-5-114 and 33-5-115 are repealed.

14

15 **Section 3.** This act is effective July 1, 2015.

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(END)