

ENROLLED ACT NO. 104, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

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

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

**Section 1.** W.S. 33-5-102, 33-5-105, 33-5-108 through 33-5-112, 33-5-114 and 33-5-116(a) are amended to read:

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

The state board of law examiners shall hold at least two (2) regular meetings each year for the examination of applicants, at times and places as prescribed by rules of the supreme court. Special meetings may be held as determined by the board from time to time. At all meetings, a majority of the board constitutes a quorum. The board shall select a chairman ~~and secretary~~ from its membership. ~~All examinations shall be in writing upon questions prepared or approved by the board.~~ The supreme court shall prescribe rules not inconsistent with this act to carry out the purposes of this act ~~and secure a system of uniform examination~~ for admission to the bar of this state.

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

No one shall be admitted to the bar of this state who shall not be an adult ~~citizen of the United States and a person~~ of good moral character. ~~No one shall be examined unless he shall give satisfactory evidence of having studied law at least three (3) years in a law school approved by the state~~

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

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

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

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

At any examination of applicants for admission to the bar, it shall be unlawful to permit the person being examined to receive, during the examination and after the questions have been submitted to ~~him~~ the person, any assistance or advice from any other person or persons, book or memorandum

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except as provided by rules of the supreme court to accommodate persons with disabilities.

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

Any person who may have been admitted to practice as an attorney in the highest court of any other state or territory, ~~and who shall have been engaged in practice therein may, in the discretion of the supreme court, be admitted to practice in the courts of this state without an examination, upon presentation of his certificate of such admission, and upon showing to the satisfaction of the court that he is still in good standing as an attorney in the courts of such other state or territory, and that he is a person of good moral character. The court may adopt rules for the proof of such qualifications~~ may be admitted to the bar of this state pursuant to the rules of the supreme court for admission on motion.

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

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

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

No person shall be deemed admitted to the bar until he shall have taken and filed an oath as provided in this

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section. The oath shall be to the effect that he will support, obey, and defend the constitution of the United States, and the constitution and laws of this state, and that he will faithfully and honestly and to the best of his ability discharge the duties of an attorney and counselor-at-law. The ~~said~~ oath may be administered by the clerk, or one (1) of the justices of the supreme court, ~~in or out of court, or by~~ a district judge in his district, or the clerk of court in his county. ~~and when not taken in the supreme court in open session the same~~ The oath may be administered in another state or territory of the United States by a judge or justice of a court of general jurisdiction or an appellate court. The oath shall be reduced to writing, signed by the person taking, and certified to by the officer administering the same and filed in the office of the clerk of the supreme court. ~~If taken in open court the journal shall show that fact. No practicing attorney shall be taken on any official bond, or bond in any legal proceeding in the district in which he may reside.~~

**33-5-114. Penalty for deceit or collusion.**

An attorney and counselor who is guilty of deceit or collusion, or consents thereto, with intent to deceive a court or judge, or a party to an action or proceeding, or brings suit or commences proceedings without authority therefor, ~~is liable to be disbarred, and~~ shall forfeit to the injured party treble damages, to be recovered in a civil action.

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

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

**Section 2.** W.S. 33-5-115 is repealed.

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk