

RULES GOVERNING THE WYOMING STATE BAR AND THE AUTHORIZED PRACTICE OF LAW

Rule

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Rule 1. Organization and Duties of the Wyoming State Bar.

These rules are promulgated pursuant to the Wyoming Constitution and Wyo.Stat.Ann. § 5-2-118 and provide for the organization and government of the state bar association, which shall be called the Wyoming State Bar. As an administrative agency of the Supreme Court, the Wyoming State Bar has the duty of carrying out those administrative functions which are delegated to it by the Supreme Court through rules duly promulgated by the Court. The Supreme Court has the ultimate authority to insure that those powers and duties delegated to the Bar pursuant to such rules are fully and faithfully executed.

History:

Repealed and reenacted effective April 29, 2014.

Rule 2. Purposes of the Wyoming State Bar.

The purposes of the Wyoming State Bar are: to aid the courts in maintaining and improving the administration of justice; to foster, maintain and require on the part of those engaged in the practice of law, high standards of integrity, learning, competence, public service, and conduct; to safeguard proper professional interests of members of the Bar; to encourage the formation, maintenance, and activities of the local bar associations; to provide a forum for the discussion and effective action concerning subjects pertaining to the practice of law, the science of jurisprudence and law reform, and relations of the Bar to the public; to provide for the continuing legal education of members of the Bar; to insure that the responsibilities of the legal profession to the public are more effectively discharged; and to do all things necessary to effectuate the purposes of this rule and the functions and purposes set forth in the Bylaws of the Wyoming State Bar.

History:

Repealed and reenacted effective April 29, 2014.

Rule 3. Membership in the Wyoming State Bar.

Membership in the Wyoming State Bar shall be as provided in the Bylaws of the Wyoming State Bar.

History:

Repealed and reenacted effective April 29, 2014.

Rule 4. Governance of the Wyoming State Bar.

The Wyoming State Bar shall be governed by its Board of Officers and Commissioners as provided in the Bylaws of the Wyoming State Bar.

History:

Repealed and reenacted effective April 29, 2014.

Rule 5. Powers of the Wyoming State Bar.

The Wyoming State Bar may enter into contracts and acquire, hold, encumber and dispose of real and personal property and otherwise perform and carry out all activities necessary to conduct the business of the Wyoming State Bar.

History:

Repealed and reenacted effective April 29, 2014.

Rule 6. Immunity of Wyoming State Bar Officers, Commissioners and Staff.

The Officers, Commissioners, employees, and any other agents of the Wyoming State Bar shall be immune from suit for all conduct in the course of their official duties.

History:

Repealed and reenacted effective April 29, 2014.

Rule 7. Authorization to Practice Law.

(a) The following persons are authorized to practice law in Wyoming:

(1) Members of the Wyoming State Bar, as more fully delineated and subject to the limitations set forth in the Bylaws of the Wyoming State Bar;

(2) Attorneys who have been granted pro hac vice admission as provided in Rule 8, subject to the limitations set forth in that rule;

(3) Law school clinic supervising attorneys meeting the qualifications of Rule 9, subject to the limitations set forth in that rule;

(4) Law students meeting the qualifications of Rule 9, subject to the limitations set forth in that rule; and

(5) Attorneys meeting the qualifications of Rule 5.5(d) of the Wyoming Rules of Professional Conduct, subject to the limitations set forth in that rule.

(b) "Practice law" means providing any legal service for any other person, firm or corporation, with or without compensation, or providing professional legal advice or services where there is a client relationship of trust or reliance, including appearing as an advocate in a representative capacity; drafting pleadings or other documents; or performing any act in a representative capacity in connection with a prospective or pending proceeding before any tribunal.

(c) Whether or not they constitute the practice of law, the following are not prohibited:

(1) Financial institutions and their nonlawyer employees, licensed to do

business in Wyoming, preparing and informing customers with respect to documents incidental to the regular course of business they are licensed to perform.

(2) Acts historically performed by landmen relating to the lease, purchase, sale, or transfer of an oil, gas, mineral or mining interest or other interest incident to an oil, gas, mineral or mining interest in real property if:

(A) the acts are performed by a landman who does not hold himself or herself out as an attorney licensed to practice law in Wyoming or another jurisdiction;

(B) the acts are in conformance with regional best industry practice; and

(C) the landman is not a member of the Wyoming State Bar.

(3) Statutorily authorized acts by a real estate agent or broker licensed by the Wyoming Real Estate Commission.

(4) Title insurance companies authorized to do business in the State of Wyoming and their licensed agents preparing certain documents that would normally involve the practice of law subject to the following:

(A) The transaction arises in the lawful course of business for the title insurance company issuing title insurance.

(B) In closing a real estate sale, title insurance companies and their licensed agents may only prepare closing statements and releases which do not affect judgment liens.

(C) The documents shall be on standardized forms prepared by a licensed Wyoming lawyer. When using said forms, non-lawyers shall not insert or include text or other information that requires the knowledge, judgment, or skill of one trained as a licensed Wyoming lawyer.

(D) No counsel or advice shall be given with respect to the meaning, validity, or legal effect of the document or regarding the rights and obligations of the parties.

(5) Title insurance companies authorized to do business in the State of Wyoming and their licensed agents, real estate rental agencies, licensed real estate brokers and their affiliated licensees, and employees of such entities may prepare documents other than those specifically set forth above at the request of a lawyer duly authorized to practice law in the State of Wyoming provided, however, that the lawyer requesting the document shall be responsible for the content thereof as if he or she drafted the document.

(6) Abstractors preparing or extending abstracts in compliance with Wyo.Stat.Ann. § 33-2-101 without rendering opinions as to the character of a title. A title insurance company authorized to do business in the State of Wyoming, including its licensed agents, may review public records and specify any curative work or describe conditions which must be fulfilled before it will issue a title insurance policy in connection with a proposed real estate transaction, but may not render opinions, counsel, or advice to others regarding the marketability of status or titles.

(7) Nonlawyers appearing as an advocate in a representative capacity before any body, board committee, or commission constituted by law, if that body, board, committee or commission has authorized such representation by federal statute, state statute, county, or city resolution or ordinance, federal administrative regulation, or state administrative regulation.

(8) Nonlawyers serving in neutral capacities as mediators, arbitrators, conciliators, or facilitators.

(9) Nonlawyers participating in labor negotiations, employee discipline hearings, employment grievances, arbitrations, mediations, or conciliations arising under collective bargaining rights or agreements or state or federal

law, provided, however, that neither the Wyoming nor Federal Rules of Evidence apply.

(10) Nonlawyers acting as lobbyists.

(11) Nonlawyers selling legal forms in any format, so long as they do not advise or counsel another regarding the selection, use, or legal effect of the forms. Such forms shall clearly and conspicuously state that the forms are not a substitute for the advice of an attorney.

(12) With respect to tax laws:

(A) Nonlawyers preparing tax returns.

(B) Nonlawyers representing other persons, entities, or organizations before the Internal Revenue Service or any other state or local taxing authority in Wyoming to the extent permitted by such agency or taxing authority.

(C) Nonlawyers practicing before the U.S. Tax Court in conformity with its rules.

(13) CPAs and members, associates or employees of CPA firms and persons working under the supervision of a CPA providing accounting, assurance, attest, tax, financial planning or consulting services for clients if such CPAs are licensed in accordance with the Wyoming Certified Public Accountants Act or are duly licensed in another state or jurisdiction and are authorized to practice in Wyoming under such law or rules.

(14) Acts performed by duly licensed Professional Engineers and Professional Land Surveyors in accordance with applicable statutes and the Rules and Regulations of the Wyoming Board of Professional Engineers and Professional Land Surveyors.

(15) Statutorily authorized acts by the public records ombudsman, pursuant to the Public Records Act, Wyo. Stat. Ann. §§ 16-4-201 et seq.

(16) Nonlawyers engaging in any other activity which the Supreme Court determines, upon the report and recommendation of the Committee on the Unauthorized Practice of Law, does not constitute the unauthorized practice of law.

(d) Any person may act pro se in a matter in which that person is a party.

History:

Repealed and reenacted effective April 29, 2014; amended February 25, 2020, effective March 1, 2020.

Rule 8. Pro Hac Vice Admission. [Effective until January 1, 2022]

Members of the bar of any other state, district or territory of the United States may be admitted to practice pro hac vice, in compliance with Rule 104 of the Uniform Rules for the District Courts of the State of Wyoming or Rule 19.01 of the Wyoming Rules of Appellate Procedure. This rule also applies to proceedings before administrative tribunals which require admission pro hac vice.

(a) Admission pro hac vice under this rule and any other rule concerning admission pro hac vice is discretionary with the court or administrative tribunal in which the application is made. A court or administrative tribunal is not obligated to admit an applicant pro hac vice nor is a court or administrative tribunal bound by a prior decision to admit an applicant pro hac vice. Admission pro hac vice may be revoked by the court or administrative tribunal upon its own motion or the motion of a party if, after notice and a hearing, the court or administrative tribunal determines that admission pro hac vice is inappropriate. Admission pro hac vice will be denied or, if granted, will be revoked if the court or administrative tribunal determines that the process is being used to circumvent the Rules and Procedures Governing Admission to the Practice of Law in Wyoming.

(b) In determining whether to enter or revoke the order of admission pro hac vice, the court or administrative tribunal may consider any information it considers relevant, including but not limited to whether the applicant:

(1) is familiar with Wyoming rules of evidence and procedure, including uniform court rules;

(2) is available to opposing parties;

(3) has particular familiarity with the legal affairs of the party relevant to the case;

(4) complies with the rulings and orders of the court;

(5) has caused delay or been disruptive; and

(6) has been publicly disciplined or placed on disability inactive status, has had pro hac vice admission denied or revoked, or has any pending disciplinary or disability proceeding.

(c) The applicant must submit the following to the Wyoming State Bar for each case in which the applicant seeks pro hac vice admission:

(1) Application prescribed by the Wyoming State Bar which must include:

(A) A statement identifying all jurisdictions in which the applicant has been licensed;

(B) A statement identifying by date, case name, and case number all other matters in Wyoming in which the applicant has sought pro hac vice admission in the preceding five years, and whether such admission was granted or denied;

(C) A statement identifying all jurisdictions in which the applicant has been publicly or privately disciplined or placed on disability inactive status, in which pro hac vice admission was denied or revoked, or in which the applicant has any pending disciplinary or disability proceeding, including, in any of the three instances described above, the date of the action, the nature of the violation, and the penalty imposed;

(D) A statement that the applicant acknowledges he or she is subject to the Wyoming Rules of Professional Conduct, the Wyoming Rules of Civil Procedure, and other court rules, and that the applicant will comply with those rules throughout the pro hac vice admission;

(E) The name, address, and membership status of a member of the Wyoming State Bar who shall serve as local counsel for purposes of the representation;

(F) The applicant's certification that all information in the application is complete and accurate, under penalty of perjury; and

(G) Such other information as the Wyoming State Bar may from time to time request.

(2) To be eligible for pro hac vice admission in Wyoming, an applicant must be authorized to engage in the active practice of law in another jurisdiction. Each application shall be accompanied by certificate(s) of good standing from the highest court for each jurisdiction in which the applicant is licensed, dated no more than 30 days prior to the date the application is received by the Wyoming State Bar, along with the application fee, determined by and payable to the Wyoming State Bar.

(3) Incomplete applications will not be accepted.

(d) Following review of the application for admission pro hac vice and such investigation as it deems appropriate, the Wyoming State Bar will issue a Rule 8 certificate which shall include all information relevant to the court or administrative tribunal's determination of whether the applicant should be admitted pro hac vice. The Rule 8 certificate must be filed in the court or administrative tribunal along with the motion of the local counsel to admit the applicant pro hac vice and entry of appearance of local counsel.

(e) Local counsel will perform all duties and satisfy all requirements set forth in Rule 104 of the Uniform Rules for the District Courts of the State of Wyoming or Rule 19.01 of the Wyoming Rules of Appellate Procedure. Local counsel shall be deemed to have ratified all conduct of pro hac vice counsel and shall be responsible for pro hac vice counsel's violation of the Rules of Professional conduct. See Rule 5.1, W.R.Prof.Cond.

(f) An attorney admitted pro hac vice shall comply with and is subject to Wyoming statutes, rules of the Wyoming Supreme Court, including but not limited to, the Rules of Professional Conduct, the Rules of Disciplinary Procedure, these rules and the rules of the court or administrative tribunal in which the attorney appears.

(g) This rule does not apply to an employee of the Justice Department who is appearing solely on behalf of the United States so long as 28 U.S.C. §§ 515-519, 28 U.S.C. § 530B or similar laws are in force.

History:

Repealed and reenacted effective April 29, 2014; amended September 4, 2019, effective

December 1, 2019; amended October 26, 2021, effective January 1, 2022.

Rule 8. Pro Hac Vice Admission. [Effective January 1, 2022]

Members of the bar of any other state, district or territory of the United States may be admitted to practice pro hac vice, in compliance with Rule 104 of the Uniform Rules for the District Courts of the State of Wyoming, Rule 104 of the Uniform Rules for the Chancery Court, or Rule 19.01 of the Wyoming Rules of Appellate Procedure. This rule also applies to proceedings before administrative tribunals which require admission pro hac vice.

(a) Admission pro hac vice under this rule and any other rule concerning admission pro hac vice is discretionary with the court or administrative tribunal in which the application is made. A court or administrative tribunal is not obligated to admit an applicant pro hac vice nor is a court or administrative tribunal bound by a prior decision to admit an applicant pro hac vice. Admission pro hac vice may be revoked by the court or administrative tribunal upon its own motion or the motion of a party if, after notice and a hearing, the court or administrative tribunal determines that admission pro hac vice is inappropriate. Admission pro hac vice will be denied or, if granted, will be revoked if the court or administrative tribunal determines that the process is being used to circumvent the Rules and Procedures Governing Admission to the Practice of Law in Wyoming.

(b) In determining whether to enter or revoke the order of admission pro hac vice, the court or administrative tribunal may consider any information it considers relevant, including but not limited to whether the applicant:

- (1) is familiar with Wyoming rules of evidence and procedure, including uniform court rules;
- (2) is available to opposing parties;
- (3) has particular familiarity with the legal affairs of the party relevant to the case;
- (4) complies with the rulings and orders of the court;
- (5) has caused delay or been disruptive; and
- (6) has been publicly disciplined or placed on disability inactive status, has had pro hac vice admission denied or revoked, or has any pending disciplinary or disability proceeding.

(c) The applicant must submit the following to the Wyoming State Bar for each case in which the applicant seeks pro hac vice admission:

- (1) Application prescribed by the Wyoming State Bar which must include:

(A) A statement identifying all jurisdictions in which the applicant has been licensed;

(B) A statement identifying by date, case name, and case number all other matters in Wyoming in which the applicant has sought pro hac vice admission in the preceding five years, and whether such admission was granted or denied;

(C) A statement identifying all jurisdictions in which the applicant has been publicly or privately disciplined or placed on disability inactive status, in which pro hac vice admission was denied or revoked, or in which the applicant has any pending disciplinary or disability proceeding, including, in any of the three instances described above, the date of the action, the nature of the violation, and the penalty imposed;

(D) A statement that the applicant acknowledges he or she is subject to the Wyoming Rules of Professional Conduct, the Wyoming Rules of Civil Procedure, and other court rules, and that the applicant will comply with those rules throughout the pro hac vice admission;

(E) The name, address, and membership status of a member of the Wyoming State Bar who shall serve as local counsel for purposes of the representation;

(F) The applicant's certification that all information in the application is complete and accurate, under penalty of perjury; and

(G) Such other information as the Wyoming State Bar may from time to time request.

(2) To be eligible for pro hac vice admission in Wyoming, an applicant must be authorized to engage in the active practice of law in another jurisdiction. Each application shall be accompanied by certificate(s) of good standing from the highest court for each jurisdiction in which the applicant is licensed, dated no more than 30 days prior to the date the application is received by the Wyoming State Bar, along with the application fee, determined by and payable to the Wyoming State Bar.

(3) Incomplete applications will not be accepted.

(d) Following review of the application for admission pro hac vice and such investigation as it deems appropriate, the Wyoming State Bar will issue a Rule 8 certificate which shall include all information relevant to the court or administrative tribunal's determination of whether the applicant should be admitted pro hac vice. The Rule 8 certificate must be filed in the court or administrative tribunal along with the motion of the local counsel to admit the applicant pro hac vice and entry of appearance of local counsel.

(e) Local counsel will perform all duties and satisfy all requirements set forth in Rule 104 of the Uniform Rules for the District Courts of the State of Wyoming, Rule 104 of the Uniform Rules for the Chancery Court, or Rule 19.01 of the Wyoming Rules of Appellate Procedure. Local counsel shall be deemed to have ratified all conduct of pro hac vice counsel and shall be responsible for pro hac vice counsel's violation of the Rules of Professional conduct. See Rule 5.1, W.R.Prof.Cond.

(f) An attorney admitted pro hac vice shall comply with and is subject to Wyoming statutes, rules of the Wyoming Supreme Court, including but not limited to, the Rules of Professional Conduct, the Rules of Disciplinary Procedure, these rules and the rules of the court or administrative tribunal in which the attorney appears.

(g) This rule does not apply to an employee of the Justice Department who is appearing solely on behalf of the United States so long as 28 U.S.C. §§ 515-519, 28 U.S.C. § 530B or similar laws are in force.

History:

Repealed and reenacted effective April 29, 2014; amended September 4, 2019, effective

December 1, 2019; amended October 26, 2021, effective January 1, 2022.; amended October 26, 2021, effective January 1, 2022.

Rule 9. Limited Practice by Law School Clinic Supervising Attorneys and Law Students.

(a) *Purpose of rule.* The bench and the bar are primarily responsible for providing competent legal service for all persons, including those unable to pay for these services. This rule is adopted as one means to assist practicing attorneys to provide such services and to encourage clinical instruction by the College of Law of the University of Wyoming in various legal work.

(b) *Definitions.*

(1) A “clinical law program,” for purposes of these Rules, is a program in which law students qualified pursuant to this rule receive instruction regarding law practice and engage in limited practice of law under the supervision of an attorney.

(2) “Eligible law student” means a person who is duly enrolled (or is in the period between semesters and in good standing) in a law school accredited by the American Bar Association and has completed at least two semesters of full-time study, or is a graduate thereof during the time prior to announcement of the results of the first bar examination given after such graduation; and

(A) has been certified by the dean or designee of the law school as being of good academic standing and to be of good character and competent legal ability;

(B) has filed an affidavit with the Wyoming Supreme Court that the student will comply with the ethical standards set forth in the Rules of Professional Conduct for Attorneys at Law; and

(C) has been identified as a student and accepted in writing by the client.

(3) “Indigent person” means the person to be represented shall meet the income-and-asset criteria within the poverty guidelines of the Wyoming Center for Legal Aid.

(4) “Supervising attorney” means

(A) if supervising a case in any court, agency, or administrative tribunal of the State of Wyoming, a member of the Wyoming State Bar or a law school clinic supervising attorney not a member of the Wyoming State Bar but certified pursuant to the provisions of these Rules; or

(B) if supervising a case in any court, agency, or tribunal of the United States or another state of the United States, an international tribunal, or court or agency of another country, an attorney allowed to practice under the rules governing practice before that tribunal in which representation is provided.

(5) “Limited practice of law” means advising others and taking action for them in matters connected with law so long as the actions are guided by a supervising attorney as defined by these rules or the rules of the tribunal in which representation is provided. It includes preparation of legal instruments and acting or proceeding for another before judges, courts, tribunals, commissioners, boards or other governmental agencies.

(c) *Duties of Supervising Attorney.* Any attorney who supervises a student shall:

(1) assume personal professional responsibility for and supervision of the student’s work;

(2) assist the student to the extent necessary to ensure that the student’s participation is effective on behalf of any client represented;

(3) sign all pleadings, briefs, and other documents prepared for a case and delivered to any tribunal for which representation is provided pursuant to these rules;

(4) appear with the student in all trials and administrative hearings, but the designated supervising attorney need not be personally present in court in other matters, civil or criminal, when the client consents thereto in writing and with approval of the court in which the matter is pending;

(5) appear with the student at all other proceedings unless the attorney deems his or her personal appearance unnecessary to assure proper supervision. This authorization shall be made in writing and shall be available to the judge or other official conducting the proceedings upon request; and

(6) be present in court in any criminal matter in which the client has the right to the assignment of counsel under any constitutional provision, statute, or rule of this court.

(7) A supervising attorney other than a law school clinic supervising attorney shall not supervise more than three (3) students at any time.

(d) *Law school clinic supervising attorneys.* A law school clinic supervising attorney not a member of the Wyoming State Bar but certified pursuant to the provisions of this rule may appear as a lawyer, solely in connection with supervision of a clinical law program approved by the dean and faculty of the College of Law of the University of Wyoming, in any court or before any administrative tribunal in this state on behalf of any person, if the person on whose behalf he is appearing has indicated in writing his consent to that appearance. Such written consent shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

(1) Requirements and limitations. In order to make an appearance as a lawyer pursuant to this rule, the law school clinic supervising attorney must:

(A) Be duly employed as a faculty member of the College of Law of the University of Wyoming for the purpose, *inter alia*, of instructing and supervising a clinical law program approved by the dean and faculty of the law school;

(B) Be a member in good standing of the Wyoming State Bar or the bar of another jurisdiction;

(C) Neither ask nor receive any compensation or remuneration of any kind for his services from the person on whose behalf he renders services; and

(D) Certify in writing that he has read and is familiar with the Wyoming Rules of Professional Conduct, the rules of this Court and the Wyoming statutes relating to the conduct of lawyers.

(2) Certification of law school clinic supervising attorneys.

(A) The certification of a law school clinic supervising attorney by the dean of the College of Law of the University of Wyoming shall be filed with the clerk of the Supreme Court and with the Wyoming State Bar and shall remain in effect until withdrawn.

(B) A law school clinic supervising attorney certification:

(i) May be withdrawn by the dean of the College of Law at any time by filing a notice to that effect with the clerk of the Supreme Court who shall forthwith mail copies thereof to the law school clinic supervising attorney. It is not necessary that the notice state the cause for withdrawal;

(ii) May be terminated by the Supreme Court at any time without cause and without notice or hearing. Notice of the termination shall be filed with the clerk of the Supreme Court and with the Wyoming State Bar; and

(iii) May procedures otherwise provided by law or court rules governing the discipline of lawyers shall not be applicable to the termination of the certification of a law school clinic supervising attorney pursuant to this rule. Termination of certification shall be without prejudice to the privilege of the individual to make application for admission to the Wyoming State Bar

(3) Applicability of rules. The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by individuals certified under the provisions of this rule. All persons participating in a program of instruction pursuant to which an individual is certified under this rule are enjoined not to disclose privileged or confidential communications whether in the implementation of a course of instruction or otherwise.

(e) *Limited practice by law students.* An eligible law student may engage, as an intern, in the limited practice of law if:

(1) The person to be represented consents in writing to legal assistance to be provided by the student; and

(2) the law student is under the general supervision of an active member of the Wyoming State Bar (when the student is an intern with any entity, the supervising lawyer shall be specified); or

(3) the law student is under the supervision of a law school clinic supervising attorney, under the following conditions:

(A) The student is certified as outlined subsection (4) below;

(B) The person to be represented shall be indigent as defined in section (b)(3) of this Rule or who, because of limited financial ability or the nature of the claim, would be unlikely to obtain legal representation, or any non-profit organization if the client or non-profit organization has consented in writing to that appearance or representation; and

(C) Neither the student nor the law school clinic supervising attorney shall ask for or receive any compensation or remuneration of any kind for the services rendered to the indigent, except that law school clinic supervising attorneys may receive their regular pay from the University of Wyoming College of Law.

(4) Certification of eligible law students.

(A) Certification by the dean or designee of the law school of the student's good academic standing, good character and competent legal ability shall be filed with the Supreme Court. The dean or designee of the law school shall promptly notify the Supreme Court of any changes affecting the certification

(B) The certification shall remain in effect until the date of the first bar examination following the student's graduation, and as to a student taking that examination, until the announcement of the results thereof. For any student who passes that examination, the approval shall continue in effect for three months after the date of examination or until the date of his admission to the bar, whichever is sooner. The certification shall terminate if withdrawn by the dean or designee or ordered by the Supreme Court.

(f) *Withdrawal of certification.* Certification by the dean or designee of the law school or by a supervising lawyer under whom a student is studying pursuant to Wyo.Stat.Ann. § 33-5-105 (1977) may be withdrawn without cause upon notice of such to the Supreme Court; and the Supreme Court may terminate the practice of law by any student at any time without hearing or showing of cause.

History:

Repealed and reenacted effective April 29,

2014; amended June 30, 2015, effective July 1, 2015.

Rule 10. Practice of Law by Business Entities.

(a) Lawyers may practice law as sole proprietorships, partnerships, limited liability partnerships, professional corporations or limited liability companies. No other form of business organization is authorized for the practice of law. Lawyers may not share fees with nonlawyers.

(b) Lawyers may form professional corporations for the practice of law as authorized by Wyo.Stat.Ann. § 17-3-101 and § 17-3-102, provided that such corporations are organized and operated in accordance with the provisions of this rule. The articles of incorporation of such corporation shall contain provisions complying with the following requirements:

(1) The name of the corporation shall contain the words “professional corporation” or shall state those words or an abbreviation thereof after or under the name of the corporation, or an abbreviation thereof such as the following: “Doe, Doe & Doe (with such designation as a firm desires to show that it is engaged in the practice of law), a Professional Corporation.” In addition, the name of the corporation shall always meet the ethical standards established for the names of law firms according to the Rules of Professional Conduct for Attorneys at Law;

(2) The corporation shall be organized solely for the purpose of conducting the practice of law only through persons qualified to practice law in the State of Wyoming;

(3) The corporation may exercise the powers and privileges conferred upon corporations by the laws of Wyoming only in furtherance of and subject to its corporate purpose;

(4) All shareholders, officers and directors of the corporation conducting the practice of law in Wyoming shall be a lawyer authorized to practice law in Wyoming or another United States jurisdiction, and who at all times own their shares in their own right;

(5) Provisions shall be made requiring every shareholder, officer and director who ceases to be eligible to be a shareholder to dispose of all the shares forthwith either to the corporation or to any person having the qualifications described in subdivision (4);

(6) No corporation may offer professional services or practice a profession except by and through the person or persons of its licensed stockholder or stockholders, or licensed employees, all of whom shall retain their professional licenses in good standing and shall be subject to all rules, regulations, standards and requirements pertaining to their professional activities. All stockholders or employees of a professional corporation organized hereunder shall remain fully liable and responsible for their own professional activities. In all other respects, the rules of liability applicable to general corporations shall apply to professional corporations organized hereunder.

(c) Lawyers may form limited liability companies for the practice of law as authorized by Wyoming Limited Liability Company Act (Wyo.Stat.Ann. § 17-29-101 et seq.), provided that such limited liability companies are organized and operated in accordance with the provisions of this rule. The articles of organization of such company shall contain provisions complying with the following requirements:

(1) The name of the company shall contain the words “limited liability company” or shall state those words or an abbreviation thereof after or under the name of the company, of an abbreviation thereof such as the following: “Doe, Doe & Doe (with such designation as a firm desires to show that it is engaged in the practice of law), a Limited Liability Company.” In addition, the name of the limited liability company shall always meet the ethical standards established for the names of law firms according to the Rules of

Professional Conduct for Attorneys at Law as if all the members of the company were partners;

(2) The limited liability company shall be organized solely for the purpose of conducting the practice of law only through persons qualified to practice law in the State of Wyoming;

(3) The limited liability company may exercise the powers and privileges conferred upon limited liability companies by the laws of Wyoming only in furtherance of and subject to its company purpose;

(4) All members of the limited liability company conducting the practice of law in Wyoming shall be a lawyer authorized to practice law in Wyoming or another United States jurisdiction, and who at all times are members of the limited liability company in their own right;

(5) Provisions shall be made requiring every member who ceases to be eligible to be a member to dispose of all their ownership interest in the limited liability company forthwith either to the company or to any person having the qualifications described in subdivision (4);

(6) No limited liability company may offer professional services or practice a profession except by and through the person or persons of its licensed member or members or licensed employees, all of whom shall retain their professional licenses in good standing and shall be subject to all rules, regulations, standards and requirements pertaining to their professional activities. All members or employees of a limited liability company organized hereunder shall remain fully liable and responsible for their own professional activities. In all other respect, the rules of liability applicable to general limited liability companies shall apply to limited liability companies organized hereunder.

(d) Lawyers may form, or register as, limited liability partnerships for the practice of law as authorized by Wyo.Stat.Ann. § 17-21-1105, provided that such partnerships are organized, registered and operated in accordance with the provisions of this rule. The statement of registration of such partnership shall contain provisions complying with the following requirements:

(1) The name of the partnership shall contain the words “registered limited liability partnership”, “limited liability partnership”, or shall state those words or an abbreviation thereof after or under the name of the partnership, or an abbreviation thereof such as the following: “Doe, Doe & Doe (with such designation as a firm desires to show that it is engaged in the practice of law), a Limited Liability Partnership.” In addition, the name of the limited liability partnership shall always meet the ethical standards established for the names of law firms according to the Rules of Professional Conduct for Attorneys at Law;

(2) The limited liability partnership shall be organized solely for the purpose of conducting the practice of law, and the conduct of the practice of law in the State of Wyoming shall be only through persons qualified to practice law in the State of Wyoming;

(3) The limited liability partnership may exercise the powers and privileges conferred upon limited liability partnerships by the laws of Wyoming only in furtherance of and subject to its partnership purpose;

(4) All partners of the limited liability partnership conducting the practice of law in Wyoming shall be a lawyer authorized to practice law in Wyoming or another United States jurisdiction, and who at all times are partners of the limited liability partnership in their own right;

(5) Provisions shall be made requiring every partner who ceases to be eligible to be a partner to dispose of all of his or her ownership interest in the limited liability partnership forthwith either to the partnership or to any person having the qualifications described in subdivision (4);

(6) No limited liability partnership may offer professional services or practice a profession except by and through the person or persons of its licensed partners or licensed employees, all of whom shall retain their professional licenses in good standing and shall be subject to all rules, regulations, standards and requirements pertaining to their professional activities. All partners or employees of a limited liability partnership organized or registered hereunder shall remain fully liable and responsible for their own professional activities. In all other respects, the rules of liability applicable to general limited liability partnerships shall apply to limited liability partnerships organized or registered hereunder.

(e) Nothing in this rule shall be deemed to diminish or change the obligation of all attorneys employed by a professional corporation, limited liability partnership, or limited liability company to conduct their legal practice in accordance with the standards of professional conduct promulgated by this court; any attorney who by act or omission causes the professional corporation, limited liability partnership, or limited liability company to act or fail to act in a way which violates such standards of professional conduct, including any provision of this rule, shall be deemed personally responsible for such act or omission and shall be subject to discipline therefore.

(f) Nothing in this rule shall be deemed to modify the attorney-client privilege specified in Wyo.Stat.Ann. § 1-12-101, and any comparable common-law privilege.

(g) Except as provided by this rule, corporations, limited liability partnerships, or limited liability companies shall not practice law.

(h) The corporation, limited liability partnership or limited liability company shall do nothing which if done by an attorney employed by it would violate the standards of professional conduct established for every attorney by the Wyoming Supreme Court.

(i) A professional corporation, limited liability partnership, or limited liability company may adopt a pension, profit sharing (whether cash or deferred), health and accident, insurance or welfare plan for all or part of its employees including lay employees.

History:

Repealed and reenacted effective April 29, 2014.