



Newsletter
November
2016

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A NOTE FROM THE PRESIDENT'S DESK AMANDA NELSON, ACP

As we approach the middle of November, I realize that the term for this board is half-way over. We are embarking on a quieter season in LAW: membership renewal is complete, the fall seminar is behind us, and preparations for the spring seminar will not be in full force until after the first of the year. So, we approach the holiday season with a little extra time to spend with families, friends and colleagues. I have found this season in particular very trying as an American. We have a major election approaching in just a few short weeks and a country that seems to be ripping at the seams. I am in no way making a political pitch, and will never embark my personal beliefs upon all of you, but I would like to take just a moment to look at the world around us. The world we live in is so full of hate and anger, whether it be from political candidates to the people, from the people to political candidates, or simply among people of differing opinions. Many of us experience this hate among people day in and day out, through our clients getting divorced, by criminals who have committed horrendous crimes, or by victims of those crimes. I find it highly ironic that for the last several months, this behavior has become acceptable and appropriate, but soon we will move into the holiday season which should be a season of thanksgiving, love and joy. Do we really expect to be able to turn off the hate and anger that we have built up inside? Even within our city and state, hate seems more prevalent today than this time last year. I would leave all of you with this challenge; look around you and see where you can make a difference. As we begin preparations for Thanksgiving and Christmas, plan to spend time with families and friends, really consider what you can do to bring joy to someone's life. Take a moment to brighten the life of a child – because for them, this scary and hateful world is their inheritance. Give an extra hug, or share a cup of coffee. Listen to one another and remember to respect one another. If we were all the same, life would never evolve.

Fall 2016 Seminar Recap Barbara Heisner, CP First Vice President

Our fall seminar was held in Teton Village this year, October 7-8 at the Snake River Lodge & Spa. We had a turnout of roughly 30 people, which was great! I'm so glad so many of you made the trip.

Speakers at this seminar included Caitlin Young, J.D.; Detective James Harper of the Cheyenne Police Department; Amy Iberlin, J.D.; John Robinson, J.D.; and Alex Freeburg, J.D. They spoke on a wide variety of topics, from effective and ethical legal writing and the basics of civil litigation to the procedures following officer-involved shootings.

Thank you to Ashley Barkley, CP, our 2nd Vice President, for planning the social hour at our group dinner, also held at the Snake River Lodge & Spa. It proved to be a blast, and we had some creative pictures for the photo scavenger hunt.

The charity we collected donations for this year was the Jackson Cupboard (the area's food pantry). We raised roughly \$175.00. Thank you to all who donated to this important cause!

Finally, many thanks to everyone who helped me with this seminar and especially to everyone who attended! I have received some great feedback so far and welcome any additional comments/criticisms/ideas for future seminars.



Message from Heather McAfee

Director of Region Four

To Region Four Members: You are all invited to a brown-bag lunch at the Courthouse Atrium in Cheyenne on **the second Wednesday of each month** at noon. The next one will be **January 11th**. We will discuss the upcoming spring seminar, thoughts on a bigger regional event, and any other fun topics that may come up! Please feel free to invite your paralegal friends. Hope to see you there!



Want to contribute to the newsletter?? The LAW Board is always looking for substantive contributions to the quarterly LAW Newsletter! Submit yours today by contacting Amanda Nelson at amandanelsonacp@gmail.com

Wyoming State Bar Seeks Fee Arbitrators

The Wyoming State Bar is seeking volunteers to serve as arbitrators in fee disputes between Wyoming lawyers and their clients. The Wyoming Supreme Court recently adopted new Rules of Fee Arbitration which provide, for the first time, for participation by non-lawyers as arbitrators in fee dispute hearings. When the amount in dispute is greater than \$10,000, the new court rules require the matter to be heard by a 3-person arbitration panel, one of whom must be a non-lawyer.

The Wyoming State Bar, which administers the Fee Dispute programs, seeks to assemble a network of professionals throughout the state who are willing to serve as Fee Arbitration Panel members for larger disputes. There are approximately 25 fee disputes filed each year, and most of those do not meet the \$10,000 threshold. Hearings are typically a few hours in length. Training will be provided to arbitrators who are accepted into the program.

If you are interested in serving as a Fee Arbitrator, please contact Shannon Howshar at the Wyoming State Bar, showshar@wyobc.org, (307) 432-2105. The new Rules for Fee Arbitration can be found at http://www.courts.state.wy.us/Documents/CourtRules/Orders/fearbit/fearbit_20160510.pdf.

FUNNY WYOMING LAW

6-9-301. Skier safety; skiing while impaired; unsafe skiing; collisions; penalties.

(a) No person shall move uphill on any passenger tramway or use any ski slope or trail while such person's ability to do so is impaired by the consumption of alcohol or by the use of any illicit controlled substance or other drug as defined by W.S. 35-7-1002.

(b) No person shall ski in reckless disregard of his safety or the safety of others.

(c) No skier involved in a collision with another person in which an injury results shall leave the vicinity of the collision before giving his name and current address to an employee of the ski area operator or a member of the ski patrol except for the purpose of securing aid for a person injured in the collision, in which event the person leaving the scene of the collision shall give his name and current address as required by this subsection within twenty-four (24) hours after securing aid.

(d) Any person violating this section is guilty of a misdemeanor punishable by imprisonment for not more than twenty (20) days, a fine of not more

Before you hit the slopes this season, know the law. No drinking and skiing in Wyoming!

**THE NEXT DEADLINE TO
TAKE THE CERTIFIED
PARALELGAL EXAM WITH
NALA IS
DECEMBER 1ST.**

**TBL SERVICES
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Primary contact: Jeremy Eller-McNeely

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- On base \$30.00

Outside city limits / county - \$35.00

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Other—Ask!

CONTACT US TODAY!

A little legal writing humor...

After doing a little research on effective legal writing following Ms. Iberlin's presentation at the Fall Seminar, I came across a very entertaining compilation of bizarre legal writings. I would highly encourage anyone needing an afternoon laugh, or quick break, from a daunting brief, memorandum or complaint, to visit www.loweringthebar.net. Under *Legal Profession* and *Legal Writing*, you'll find exactly what you need to boost your confidence in your own legal writing abilities. I am enclosing a sample of author Kevin Underhill provides:

Captain Justice Responds to Government's Motion to Ban the Word "Government"

It was prompted by the prosecution's one-page and citation-free motion *in limine* asking the court to order defendant's counsel "not to refer to the Assistant District Attorney General as 'the Government' during trial." The prosecution had come to believe, apparently, that this reference was being "used in a derogatory way" and wished to put a stop to that. It provided a helpful list of references that it said it *would* consider acceptable, including references to the AG herself as "General R_____", something that for whatever reason I particularly loathe, whether or not it's technically correct.

The defense attorney—whose last name is in fact "Justice"—responded this way on the merits:

The State of Tennessee offers precisely zero legal authority for its rather nit-picky position, and the defense can find none. The Plaintiff has failed to carry its burden on this motion. Moreover, the Plaintiff's proposed ban on speech would violate the First Amendment.

That was probably enough to win (and he did win). But he drove the point home with the kind of thing that you probably only get away with if it's this good:

Should this Court disagree, and feel inclined to let the parties basically pick their own designations and ban words, then the defense has a few additional suggestions.... First, the Defendant no longer wants to be called "the Defendant." This rather archaic term of art obviously has a fairly negative connotation.... At trial, Mr. P. hereby demands to be addressed only by his full name, preceded by the title "Mister."

Alternatively, he may be called simply "the Citizen Accused." This latter title sounds more respectable than the criminal "Defendant." The designation "That innocent man" would also be acceptable.

Moreover, defense counsel does not wish to be referred to as a "lawyer," or a "defense attorney." Those terms are substantially more prejudicial than probative. See Tenn. R. Evid. 403. Rather, counsel for the Citizen Accused should be referred to primarily as the "Defender of the Innocent." This title seems particularly appropriate, because every Citizen Accused is presumed innocent.

Alternatively, counsel would also accept the designation "Guardian of the Realm."

Further, the Citizen Accused humbly requests an appropriate military title for his own representative, to match that of the opposing counsel. Whenever addressed by name, the name "Captain Justice" will be appropriate. While less impressive than "General," still, the more humble term seems suitable. After all, the Captain represents only a Citizen Accused, whereas the General represents an entire State.

Along these same lines, even the term "defense" does not sound very likeable. The whole idea of being defensive comes across to most people as suspicious. So to prevent the jury from being unfairly misled by this ancient English terminology, the opposition to the Plaintiff hereby names itself "the Resistance."

* * *

WHEREFORE, Captain Justice, Guardian of the Realm and Leader of the Resistance, primarily asks that the Court deny the State's motion, as lacking legal basis. Alternatively, the Citizen Accused moves for an order in limine modifying the speech code as aforementioned, and requiring any other euphemisms and feel-good terms as the Court finds appropriate.

You don't get many chances to do this kind of thing, so it is nice to see someone hit it out of the park.

Underhill, Kevin. *Captain Justice Responds to Government's Motion to Ban the Word Government*. Lowering the Bar. 1, November 2013. <<http://loweringthebar.net/2013/11/captain-justice.html>>

Please join us for our annual Christmas Party nearest you!

~ Region 3 ~

December 8th, 2016 at 6:30 pm

Paradise Valley Country Club
70 Magnolia Street
Casper, WY 82604

Cost: \$15.00/person
Dinner, Desert, Cash Bar & DJ

RSVP to Rachel Krueger at
307-258-7937 by Dec. 1st



~ Region 4 ~

December 16, 2016 at 12:00 p.m.

Zubrod Law Office, PC
219 East 18th Street
Cheyenne, WY 82001

Bring your own dish for a pot-luck Christmas "dinner"! Wear your ugly sweater!

RSVP to Heather McAfee at
Heather.lawoffices@gmail.com by
December 9th

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