

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Wyoming rural attorney recruitment program.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to attorneys-at-law; establishing the rural
2 attorney recruitment pilot program; specifying eligibility
3 requirements for counties and attorneys to participate in
4 the program; specifying administration, oversight and
5 payment obligations for the program; requiring reports;
6 providing a sunset date for the program; authorizing
7 rulemaking; providing an appropriation; and providing for
8 an effective date.

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

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12 **Section 1.** W.S. 33-5-201 through 33-5-203 are created
13 to read:

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ARTICLE 2 - RURAL ATTORNEY RECRUITMENT PROGRAM

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33-5-201. Rural attorney recruitment program
established; findings; program requirements; county
qualifications; annual reports.

(a) In light of the shortage of attorneys practicing
in rural Wyoming counties, the legislature finds that the
establishment of a rural attorney recruitment program
constitutes a valid public purpose, of primary benefit to
the citizens of the state of Wyoming.

(b) The supreme court may establish a rural attorney
recruitment program to assist rural Wyoming counties in
recruiting attorneys to practice in those counties.

STAFF COMMENT

In light of the Committee's discussion at its last meeting,
the Committee may wish to consider whether the Supreme
Court or the State Bar should establish and operate the
rural-attorney program.

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2 (c) Each county eligible under this subsection may
3 apply to the supreme court to participate in the program. A
4 county is eligible to participate in the program if the
5 county:

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7 (i) Has a population of not greater than twenty-
8 five thousand (25,000);

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10 (ii) Has an average of not greater than one and
11 one-half (1.5) licensed attorneys in the county for every
12 one thousand (1,000) residents of the county;

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16 **STAFF COMMENT**

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18 **The State Bar proposed the following alternative**
19 **qualification/standard to paragraph (ii) above:**

20

21 (ii) Has an average of not greater than one and
22 one-half (1.5) qualified attorneys in the county for every
23 one thousand (1,000) residents. As used in this paragraph,
24 "qualified attorney" means an attorney who provides legal
25 services to private citizens on a fee basis for an average
26 of not less than twenty (20) hours per week. "Qualified
27 attorney" shall not include an attorney who is a full-time
28 judge, prosecutor, public defender, judicial clerk, in-
29 house counsel, trust officer and any licensed attorney who
30 is in retired status or who is not engaged in the practice
31 of law;

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2 *****
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4 (iii) Agrees to provide the county share of the
5 incentive payment required under this article;
6

7 (iv) Is determined to be eligible to participate
8 in the program by the supreme court.
9

10 (d) Before determining a county's eligibility, the
11 supreme court shall conduct an assessment to evaluate the
12 county's need for an attorney and the county's ability to
13 sustain and support an attorney. The supreme court shall
14 maintain a list of counties that have been assessed and are
15 eligible to participate in the program under this article.
16 The supreme court may revise any county assessment or
17 conduct a new assessment as the court deems necessary to
18 reflect any change in a county's eligibility.
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20 (e) In selecting eligible counties to participate in
21 the program, the supreme court shall consider:
22

23 (i) The county's demographics;
24

1 (ii) The age and number of attorneys in the
2 county;

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5 *****
6 STAFF COMMENT

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8 Rather than require the consideration of age as a factor,
9 the Committee may wish to consider alternate language for
10 paragraph (ii) above:

11
12 (ii) The number of attorneys in the county and
13 the number of attorneys projected to be practicing in the
14 county over the next five (5) years;

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19 (iii) Any recommendations from the district
20 judges and circuit judges of the county;

21
22 (iv) The county's economic development programs;

23
24 (v) The county's geographical location relative
25 to other counties participating in the program;

26
27 (vi) An evaluation of any attorney seeking to
28 practice in the county as a program participant, including
29 the attorney's previous or existing ties to the county;

30

1 (vii) Any prior participation of the county in
2 the program;

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4 (viii) Any other factor that the supreme court
5 deems necessary.

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7 (f) A participating eligible county may enter into
8 agreements with any municipality, school district or
9 nonprofit entity within the county to assist the county in
10 meeting the county's obligations for participating in the
11 program.

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13 (g) Not later than October 1, 2024 and each October 1
14 thereafter that the program is in effect, the supreme court
15 shall submit an annual report to the joint judiciary
16 interim committee on the activities of the program. Each
17 report shall include information on the number of attorneys
18 and counties participating in the program, the amount of
19 incentive payments made to attorneys under the program, the
20 general status of the program and any recommendations for
21 continuing, modifying or ending the program.

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1 **33-5-202. Rural attorney recruitment program; attorney**
2 **requirements; incentive payments; termination of program.**

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4 (a) Except as otherwise provided in this subsection,
5 any attorney licensed to practice law in Wyoming may apply
6 to the supreme court to participate in the rural attorney
7 recruitment program established under this article. No
8 attorney shall participate in the program if the attorney
9 has previously participated in the program or has
10 previously participated in any other state or federal
11 scholarship, loan repayment or tuition reimbursement
12 program that obligated the attorney to provide legal
13 services in an underserved area.

14
15 (b) Not more than five (5) attorneys shall participate
16 in the program established under this article at any one
17 (1) time.

18
19 (c) Subject to available funding and as consideration
20 for providing legal services in an eligible county, each
21 attorney approved by the supreme court to participate in
22 the program shall be entitled to receive an incentive
23 payment in five (5) equal annual installments. Each annual

incentive payment shall be paid on or after July 1 of each year. Each annual incentive payment shall be in an amount equal to ninety percent (90%) of the University of Wyoming college of law resident tuition for thirty (30) credit hours and annual fees as of July 1, 2024.

STAFF COMMENT

The College of Law's resident tuition for 30 credit hours for the 2023-2024 academic year and annual fees is \$17,946. Ninety percent of that amount is \$16,151.

The Committee may wish to simply specify the amount of each annual payment in subsection (c) above.

(d) Subject to available funding, the supreme court shall make each incentive payment to the participating attorney. The Wyoming state bar and each participating county shall remit its share of the incentive payment to the supreme court in a manner and by a date specified by the supreme court. The responsibility for incentive payments under this section shall be as follows:

1 (i) Fifty percent (50%) of the incentive payments
2 shall be from funds appropriated to the supreme court;

3
4 (ii) Thirty-five percent (35%) of the incentive
5 payments shall be provided by each county paying for
6 attorneys participating in the program in the county;

7
8 (iii) Fifteen percent (15%) of the incentive
9 payments shall be provided by the Wyoming state bar.

10
11 (e) Subject to available funding for the program, each
12 attorney participating in the program shall enter into an
13 agreement with the participating county, the Wyoming state
14 bar and the supreme court that obligates the attorney to
15 practice law full-time in the participating county for not
16 less than five (5) years. No agreement shall be effective
17 until it is filed with and approved by the supreme court.

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21 **STAFF COMMENT**

22 **The Committee may wish to consider:**

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24 • **Whether attorneys participating in the program must**
25 **live in the county in which they practice.**

- 1 • Whether language is needed to clarify what it means
2 for an attorney in the program to practice law in the
3 applicable county.
- 4 • Whether a local contribution or match should be
5 required, or whether alternatives to the local match
6 should be included in the bill draft. (This was a
7 suggestion raised by the State Bar at the Committee's
8 meeting in September.)
- 9 • Whether a failure to repay an incentive payment when
10 required to do so should expressly subject the
11 attorney to license suspension (this was an item
12 raised at the September meeting).

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(f) Any attorney who receives an incentive payment under this article and subsequently breaches the agreement entered into under subsection (e) of this section shall repay all funds received under this article pursuant to terms and conditions established by the supreme court. Failure to repay funds as required by this subsection shall be grounds for attorney discipline.

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25 (g) The supreme court may promulgate any rules
26 necessary to implement this article.

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28 (h) The program established under this article shall
29 cease on June 30, 2029.

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STAFF COMMENT

In light of the Committee's discussion in September, the Committee may wish to consider whether clarifying language is necessary to make clear that attorneys can begin the program before June 30, 2029 and complete their requirements after June 30, 2029.

33-5-203. Sunset.

W.S. 33-5-201 and 33-5-202 are repealed effective July 1, 2029.

Section 2. There is appropriated one hundred ninety-seven thousand three hundred seventy-five dollars (\$197,375.00) from the general fund to the supreme court for the period beginning with the effective date of this act and ending June 30, 2029 to be expended only for purposes of providing incentive payments for the rural attorney recruitment program established under this act. This appropriation shall not be transferred or expended for any other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall not revert until June 30, 2029.

