IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2009

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STATE OF WYOMING
FILED

APR - 1 2010

JUDY PACHECO, CLERK
by CHIEF DEPUTY

In the Matter of the Adoption of the Rules of the Wyoming Supreme Court Judicial Ethics Advisory Committee

ORDER ADOPTING RULES OF THE WYOMING SUPREME COURT JUDICIAL ETHICS ADVISORY COMMITTEE

This matter came before the Court upon a recommendation from the Board of Judicial Policy and Administration. The Board has recommended the adoption of the attached Rules of the Wyoming Supreme Court Judicial Ethics Advisory Committee. This Court, having carefully reviewed the proposed rules, finds that the proposed rules should be adopted. It is, therefore,

ORDERED that the Rules of the Wyoming Supreme Court Judicial Ethics Advisory Committee, attached hereto, are adopted by the Court to be effective July 1, 2010; and it is further

ORDERED that this order and the Rules of the Wyoming Supreme Court Judicial Ethics Advisory Committee be published in the advance sheets of the Pacific Reporter; the Rules be published in the Wyoming Court Rules Volume; and this order and the Rules be made available online at the Wyoming Judicial Branch's website, http://www.courts.state.wy.us. The Rules shall thereafter be spread at length upon the journal of this Court.

DATED this 1st day of April, 2010.

BY THE COURT:

BARTON R. VOIGT
Chief Justice

RULES OF THE WYOMING SUPREME COURT
JUDICIAL ETHICS ADVISORY COMMITTEE

Rule 1. Authority and Purpose.

Pursuant to its constitutional, statutory, and inherent authority, the Wyoming Supreme Court hereby establishes an advisory committee on judicial ethics. The purpose of the committee is to provide guidance to judges, as defined in the Wyoming Code of Judicial Conduct, concerning compliance with the Wyoming Code of Judicial Conduct.

Rule 2. Membership.

The committee shall be appointed by the Chief Justice of the Supreme Court, and shall consist of three judges, retired judges, or retired justices, and two members of the Wyoming State Bar. Of the judicial members, at least one shall be a district judge and at least one shall be a circuit court judge. No currently serving justice shall be a member of the committee. The members of the committee shall serve without compensation but shall be reimbursed by the Supreme Court for necessary expenses incurred in the performance of their duties on the committee.

Rule 3. Terms.

When the committee is first appointed, two members shall be appointed to a three-year term, two members shall be appointed to a two-year term and one member shall be appointed to a one-year term. On the expiration of the term of office of a member, a successor shall be appointed to a three-year term. Members may be reappointed to the committee not for more than two successive full terms. All terms shall end at midnight on December 31, with the terms for initial members being extended to that time and date next following the date upon which their respective initial term would have expired, if such be before December 31.

Rule 4. Administration.

The committee shall select one of its members to serve as chairman, and another to serve as vice-chairman, the latter to administer the committee in the former's absence. The committee shall be assisted by the administrative staff of the Supreme Court. Three members shall constitute a quorum.

Rules 5. Powers and Duties.

(a) At the written request of a judge, a candidate for judicial office, or a judicial conference, and by the concurrence of a majority of the committee's members, the committee shall render written advisory opinions on proper judicial conduct with respect to the Wyoming Code of Judicial Conduct, or any other requirement of law relating to the ethical and professional conduct of judges or candidates for judicial office.

(b) The committee shall not render opinions regarding the proposed conduct of someone other than the person submitting the request, except that the committee may respond to a written request from a judge about a person subject to the judge's direction and control or over whom the judge has supervisory responsibilities, or from a judge about the judge's relatives.

(c) The committee shall only issue opinions that address contemplated or proposed future conduct and shall not issue opinions addressing past or current conduct unless the past or current conduct relates to future conduct or conduct that is continuing. The committee shall not

issue an opinion in response to a request on a matter known to be pending before a court or before the Wyoming Commission on Judicial Conduct and Ethics.

(d) The committee may decline to respond to a request for opinion if it determines that a response would not be appropriate or would not aid the judge, benefit the judiciary as a whole, or serve the public interest.

(e) The committee shall not issue an advisory opinion that interprets any statute, rule or regulation that does not relate to judicial ethics.

(f) Notwithstanding any other provision of these rules, the committee may also issue opinions at its own initiative on matters of interest to the judiciary.

Rule 6. Procedure and Opinions.

(a) Requests for formal advisory opinions shall be submitted in writing to the chairman of the committee and shall be accompanied by a letter or memorandum describing the facts and discussing the issues presented in the request.

(b) By concurrence of a majority of its members and subject to the approval of the Supreme Court, the committee may adopt other procedural rules relating to requests for advisory opinions and the issuance of opinions.

(c) The committee may render written opinions only by an affirmative vote of at least three members.

(d) All opinions shall be advisory only, and no opinion shall be binding on the Wyoming Commission on Judicial Conduct and Ethics in the exercise of its judicial discipline responsibilities. However, the Wyoming Commission on Judicial Conduct and Ethics or the Wyoming Supreme Court may consider compliance with an opinion by the requesting individual to be evidence of a good faith effort to comply with the Wyoming Code of Judicial Conduct, provided that compliance with the opinion issued to one judge shall not be considered evidence of good faith of another judge unless the facts are substantially the same and the other judge had actual knowledge of and acted in reliance upon the opinion.

(e) The committee shall publish its opinions on the Wyoming Supreme Court web site, but the name of the judge requesting the opinion and any other identifying information shall not be included in a published opinion unless the judge consents to such inclusion in writing.

(f) The State Court Administrator, or his or her designee, as secretary to the Board of Judicial Policy and Administration, shall maintain the opinions and records of the committee.

Rule 7. Reports.

In January of each year, the committee shall submit to the Wyoming Supreme Court a report on its activities together with any recommendations.