

WYOMING SUPREME COURT

ELECTRONIC FILING ADMINISTRATIVE POLICIES
AND PROCEDURES MANUAL

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1. Introduction.

It is the policy of the Wyoming Supreme Court to require attorneys admitted to the Wyoming State Bar, and other registered users, to file papers with the Court electronically over the Internet as provided in this Manual. The following policies and procedures govern electronic filing in this Court, unless the Court determines in a particular case that filing shall be limited to conventional paper filing. The Wyoming Rules of Appellate Procedure apply to electronic filing, including the requirements of W.R.A.P. 1.01(a)(1) that the original paper document and six copies shall be filed.

2. Definitions.

C-Track Electronic Filing System, or CTEF, means the Internet based system for filing documents and maintaining court case files in the Wyoming Supreme Court.

Conventional Filing means the filing of paper documents according to W.R.A.P. as those rules currently exist.

Document means briefs, motions, notices, responses, affidavits and any other written document included in the list of allowed docket entries for filing with the Court.

Electronic Filing means uploading a document directly from the registered user's computer using the CTEF system to file that document in the Court's case file. **Sending a document or pleading to the court via e-mail rather than through the CTEF does not constitute "electronic filing," and is not allowed.**

Initiating Documents means notices of appeal filed in the district courts, petitions for writ of review or other extraordinary relief, W.R.A.P. 11 certified questions, order certifying to Supreme Court from agency decision pursuant to W.R.A.P. 12.09(b), or other original proceedings, and reports and recommendations for discipline from the Board of Professional Responsibility or the Commission on Judicial Conduct and Ethics.

Non-Electronic Filing means submitting a document or material to the court in paper or other form. Non-electronic filing includes those materials not available in electronic form such as maps, photographs, or documents submitted in other courts.

Notice of Electronic Filing means the notices automatically generated by the CTEF system at the time a document is electronically accepted and/or filed by the clerk's office.

.pdf means Portable Document Format, a proprietary file format developed by Adobe Systems, Inc.

Registered User means an individual who has been issued a username and password by the Court for electronic filing of documents.

Technical Failure means a malfunction of Court hardware, software, and/or telecommunications facility which results in the inability of a registered user to submit a document electronically. It does not include the failure of a user's equipment.

3. General Policies, Public Access.

Parties and the general public may view docket pages and most documents electronically through the electronic case filing system. The docket provides the case caption, the status of the case, counsel of record, the docket entries, and due dates for briefs and responses to petitions. There are no fees for viewing the docket.

Documents in confidential cases, such as adoptions, juvenile matters, and parental rights terminations, as well as any other case document ordered sealed by the Court or submitted for in-camera review, shall not be electronically filed unless so ordered by the Court. Even if filed electronically, such documents shall not be available for public access.

Attorney discipline and judicial discipline cases are not subject to electronic filing.

In general, the Wyoming Supreme Court prefers the electronic filing of all documents not specifically excluded above. Exceptions will be considered upon motion showing good cause. Motions to exclude from electronic filing shall be filed as soon as is reasonably possible after docketing, and prior to brief due dates.

A document created with a word processor using Word or WordPerfect, or a paper document which has been scanned, will be converted to .pdf by the Court's CTEF to be electronically filed with the Court. Converted files contain the extension ".pdf". Documents that exist only in paper form may be scanned into .pdf for electronic filing.

Registered users may submit documents electronically 24 hours a day, seven days a week. However, filing a document electronically does not alter the filing deadline for that document. Documents received after 5:00 p.m., Mountain Standard Time (MST), will be considered submitted on the next business day. Documents submitted on weekends or recognized holidays will be considered submitted on the next business day.

4. Eligibility.

Attorneys who are active members in good standing of the Wyoming State Bar are eligible to be users upon registration and completion of training.

Attorneys who are admitted *pro hac vice* for a particular case are not eligible users. Although documents should be signed by attorneys admitted *pro hac vice* and by local counsel, all filings must be made by local counsel.

Pro se litigants are not eligible users at this time, although the Court may develop training and rules regarding pro se users in the future.

Law students are not eligible users.

5. Registration, Change of Contact Information, Usernames and Passwords.

Registration shall be on a form available on the CTEF system. The form shall include the attorney's name, Wyoming State Bar number, address, telephone number, email address, and FAX number, if any. An attorney whose mailing address, telephone number, FAX number, or email address changes must update the information on his or her E-file Account screen. If an attorney does not keep his or her address and email address current, the account access will be suspended. It is the user's responsibility to remain current in order to receive filing notification and service of documents. Updating on the E-File Account does not relieve an attorney from complying with the requirement of the Bylaws of the Wyoming State Bar, Section 2. Enrollment.

If any attorney is suspended or disbarred from practice, his or her CTEF account access will be suspended. If reinstated, the attorney must re-register.

Each attorney who completes training and registration will be issued one username and password. The attorney should immediately change the password. The attorney should not permit the password to be used by anyone other than authorized support staff. The attorney is responsible for all documents filed with his or her password, whether or not the attorney does the physical act of filing. Users agree to protect the security of their passwords and to notify the clerk immediately if they learn that their password has been compromised, and to change the password immediately using the CTEF utilities menu.

After receiving the username and password from the Clerk, the registrant may file papers electronically. **Registration as a user constitutes consent to electronic service of all documents as provided in this Manual, and the Wyoming Rules of Appellate Procedure.**

6. Conventional Filing of Documents.

Until otherwise ordered, the Court will continue to require conventional filing in addition to electronic filing of all documents. Items that cannot be converted to .pdf shall be attached to the original and copies, and notification shall be included on the electronically filed document that those attachments are included with the paper copies only. See Rule 13.

All petitions for review pursuant to W.R.A.P. 13, or any other original proceeding, shall be filed by conventional means only. The Court may request an electronic version of such documents after the docket fee has been paid and the petition has been docketed. However, responses and further briefing, if granted, shall be electronically filed unless otherwise ordered.

Documents filed in the trial courts pursuant to the Wyoming Rules of Appellate Procedure, including the notice of appeal pursuant to W.R.A.P. 2.01(a) and 2.07(b) and (c), designations of record pursuant to W.R.A.P. 3.05(b), (c), (d) and (e), shall be served on the Wyoming Supreme Court in paper form only.

Documents filed in the trial courts pursuant to the Wyoming Rules of Appellate Procedure, including an order certifying questions pursuant to W.R.A.P. 11, and orders of certification for review of administrative action pursuant to W.R.A.P. 12.09(b), shall be filed in the Wyoming Supreme Court in paper form only.

7. Titles of Documents.

Only document titles found in the Docket Entry list may be used. The Docket Entry categories and titles are contained in the CTEF lists, which can be found in Appendix A to this Manual. A comment box is available for any information necessary to clarify an entry that seems not to match a listed docket entry.

Do not file multiple documents as a single docket entry. For example, do not combine a motion for extension of time to file a brief with a motion for limited remand, or a response to a motion with a motion to dismiss.

8. Filing Errors.

After a document is filed in CTEF, corrections to the docket can only be made by the Clerk's Office. CTEF will not permit the filer to make changes to a document or docket entry after the transaction has been submitted. Filers should make every effort to ensure that they do not file a pleading or paper other than the one intended to be filed, that it is filed in the correct case number, as the correct party (especially in consolidated cases) and that it does not contain information that should have been redacted or filed under seal. The Clerk's office should immediately be notified of any mistakes by telephone at (307) 777-7316, or by email at efile@courts.state.wy.us. The filer should provide the Clerk's office with the case number, and a description of the erroneous entry. The filer may file a motion to withdraw a document, but should not file the replacement document unless directed to do so.

9. Rules of Service.

A notice of electronic filing (NEF) that is automatically generated by the Court's electronic filing system constitutes service of the filed document on CTEF users (with the exception of sealed filings, or other filings required to be filed by conventional means). Parties and/or attorneys who are not CTEF users must be served with a copy of any document filed electronically in accordance with W.R.C.P. 5, W.R.Cr.P.40, and the Wyoming Rules of Appellate Procedure. A non-registered filing party who files by conventional means must serve paper copies on all parties to the case.

Each registered user of the CTEF system is responsible for assuring that his or her email account is current, is monitored regularly, and that email notices are opened in a timely manner.

A certificate of service is required when a user electronically files a document. The certificate must state the manner in which service (through the CTEF or by manual service, such as mail, hand delivery, etc) was accomplished on each party and may be signed as "s/name" by the attorney or an authorized agent who made the service. The NEF generated by the Court's electronic filing system does not replace the certificate of service required by the rules of procedure. W.R.A.P. 14.03, which allows three additional days to respond to service by mail, will apply to electronic service as well.

In addition to the service requirements of the Wyoming Court Rules, users must certify that all required privacy redactions have been made and, with the exception of those redactions, every document submitted in digital form or scanned .pdf is an exact copy of the written document filed with the Clerk, and that the document has been scanned for viruses and is free of viruses.

10. Hyperlinks.

Hyperlinks to legal authority are allowed in documents filed with the Court only for the purpose of providing a convenient mechanism for accessing material cited in the document. The judiciary does not exercise any responsibility over the content or its destination. The functioning of a hyperlink reference is not guaranteed. The hyperlink is extraneous to any filed document and is not part of the Court's record. In order to preserve the Court record, attorneys wishing to insert hyperlinks in court filings shall continue to use the traditional citation method for the cited authority, in addition to the hyperlink.

11. Redaction.

Parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court, including exhibits, whether filed electronically or in paper, unless otherwise ordered by the Court:

(a) Social Security Numbers. If an individual's Social Security number must be included, only the last four digits of that number should be used.

(b) Names of minor children. If the involvement of a minor child must be mentioned, only the initials or other non-specific identifier, of the child should be used.

(c) Dates of birth. If an individual's date of birth must be included, only the year should be used.

(d) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

(e) Home addresses. If a home address must be included, only the city and state should be used.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule, but may reject the pleading if it appears obvious the redactions have not been made. See, Paragraph 9 Rules of Service.

12. Signatures.

(a) Filing Attorney Signature.

The username and password required to submit documents to the CTEF serve as the user's signature on all electronic documents filed with the Court. Electronically filed documents must include a signature block and the name of the user under whose username and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear. See the following example for the proper format:

s/Lawyer Name
Lawyer Name
Wyoming State Bar No: 1-2345
Attorney for (appellant, appellee, etc.)
Dow Law Firm
111 South Street or P.O. Box 111
Cheyenne, WY 82001
Telephone (xxx) xxx-xxxx
email address

(b) Non-Filing Attorney Signature.

Documents containing the signatures of non-filing attorneys i.e., attorneys admitted pro hac vice, law students, or attorneys who are registered, but are not the filers of the documents, such as on a stipulated document, are to be filed electronically with the signature represented by an "s/" and the name typed in the space where a signature would otherwise appear, or as a scanned image. Such approval shall be indicated as follows:

s/Appellant's Attorney s/Filing Attorney
(Signed by filing attorney with permission of Appellant's Attorney)

The filing attorney may scan the signature page and file it as an attachment to the pleading or other paper. The signed paper original shall be attached to the original document sent to the Court.

C. Non-User Signature.

Documents such as affidavits and waivers that are required to be signed by persons who are not counsel of record should be submitted in electronic format with a scanned image of the signature page as an attachment, and the original filed with the Court.

A document containing the signature of a defendant in a criminal case must be electronically filed as a scanned document in .pdf, and the original filed with the Court.

D. Multiple Signatures.

The filer of any document requiring more than one signature, such as a stipulation, must certify that the content of the document is acceptable to all persons required to sign the document by either physical or facsimile signatures or authorization for the electronic signatures of all parties on the document. The signed paper original shall be attached to the original document sent to the Court.

13. Briefs, Motions, Exhibits, Attachments and Appendices.

Users must furnish the full contents of briefs or motions in digital form. Therefore, any attachments to a document shall be filed with the document as one electronic submission with multiple parts, rather than separate electronic filings.

Attachments to a document that are not available in digital form may be submitted along with the document in scanned .pdf.

Attachments or appendices that are not available in digital form or cannot be scanned shall be filed with the original document and copies with the court. **If an attachment or appendix is not included with the electronic filing, the cover page of the brief or motion must state that the attachment is on the paper copies only.**

Documents should not exceed 25 megabytes.

14. New Documents that Add or Delete Attorneys or Parties.

Appearance. Newly retained counsel must file an entry of appearance by conventional means only.

Withdrawal of Appearance. Withdrawal of an appearance shall be in accordance with W.R.A.P. 19.02 and 19.03. Upon entry of the Order Granting Withdrawal, the Clerk shall terminate the movant as an attorney of record in that case in CTEF.

No Substitution of Counsel. There shall be no substitution of counsel without prior approval of the Court. Withdrawal and entry shall be done in accordance with the Wyoming Rules of Appellate Procedure. Existing counsel may not withdraw and new counsel may not enter an appearance by filing a substitution of counsel.

15. Proposed Documents.

Proposed Orders. Pursuant to W.R.A.P. 16, all motions filed must be accompanied by a proposed order. The proposed order must be included as an attachment to the motion.

Proposed Amended Pleading. If the proposed document is an amended pleading, the filer must also submit as an attachment to the motion for permission to file an amended pleading, a version that complies with these rules.

Amicus Curiae. W.R.A.P. 7.12 requires that a brief of an *amicus curiae* may be filed only by leave of court granted on motion or the request of the appellate court. The motion and proposed brief must be filed by conventional means only since counsel of record are the only ones allowed to file electronically. If the motion is granted, counsel will be added as counsel of record, and the Court may request that the brief also be filed electronically at that time.

Guardian *ad litem*. W.R.A.P. 7.13(b) requires that a guardian *ad litem* who does not support any party may submit a brief only by leave of the Court granted on motion made on or before the time specified in W.R.A.P. 7.12. All provisions of W.R.A.P. 7.12 apply to a guardian *ad litem* who does not support any party.

Intervenors. No party may intervene in a case without leave of Court granted on motion. The motion must be filed by conventional means only. If the motion to intervene is granted, the intervening party will be added to the case caption, and counsel included as counsel of record.

16. Court Orders.

At the present time, all Court orders will be served by conventional means only. The ability to send out orders electronically is a future enhancement to the Court's case management system.

17. Technical Failures.

Known court systems outages will be posted on the Court's Internet web site, if possible. Problems on the filer's end, such as phone line problems, problems with the filer's Internet service provider, or hardware or software problems, will not generally excuse an untimely filing. A registered user whose filing is untimely due to a technical failure may seek relief from the Court.

18. Support.

In case of technical problems, users should contact the Clerk's office help desk line at efilehelp@courts.state.wy.us during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

19. Modifications and Amendments of Electronic Filing Procedures.

The Wyoming Supreme Court may modify or amend this Electronic Filing Administrative Policies and Procedures Manual at any time without prior notice. Modifications and amendments to the Manual will be posted on the Court's website at <http://www.courts.state.wy.us>.

APPENDIX A

The following titles of documents may be filed electronically.

Docket Entry Types and Subtypes:

Affidavits

- Costs and expenses
- Attorneys fees and costs
- Other

Briefs

- Anders
- Appellant
- Appellant reply
- Appellee
- In Support of Petition for Rehearing
- Joinder
- Petitioner
- Petitioner reply
- Respondent

The following briefs may be filed only after having filed a motion for permission to file by conventional means, and having been granted permission by order of the court, or upon an order of the court requesting these briefs:

- Amicus Curiae
- Guardian *ad litem* * (if GAL does not support any party)
- Intervenor
- Replacement
- Supplemental appellant
- Supplemental appellant reply
- Supplemental appellee
- Supplemental petitioner
- Supplemental respondent

Correspondence

- Incoming

Memorandum

- In support of motion
- In support of petition

Motions

Accept late filing
Accept Misc. documents
Appointment of GAL
Brief – exceed page limit
Clarification
Consolidate
Convert to petition
Correct a document
Dismiss – involuntary
Dismiss – stipulated
Dismiss – voluntary
Dismiss – voluntary with waiver
Dismiss party
Exclude from Electronic Filing
Extension of time – brief
Extension of time – file reponse/objection
Extension of time – other
Fees and costs
File an amended pleading
Oral argument – exceed time limit
Oral argument – leave to participate
Oral argument – reassignment from expedited docket
Oral argument – vacate
Other
Reconsideration
Reinstatement
Remand to district court
Seal
Stay – bankruptcy
Stay – other
Stay briefing – opposed
Stay briefing – unopposed
Strike
Substitution of party
Summary affirmance
Supplement the record
Supplemental briefing
Withdraw a document
Withdrawal of record

Notice – Incoming

- Additional authority
- Bankruptcy proceeding
- Change of address
- Consent and approval
- Consent of client
- Errata
- Request to place on expedited docket
- Statement of costs
- Status report – bankruptcy
- Status report – other
- Suggestion of death
- Waiver of appeal

Petition

- Clarification
- Rehearing
- Reinstatement
- Requested by Supreme Court order

Response/Objection

- Costs
- Extension
- Motion
- Other
- Petition for review

Service

- Certificate of service

APPENDIX B

TERMS AND CONDITIONS FOR USERS OF WYOMING SUPREME COURT CTEF

I certify:

1. I have completed training on the CTEF provided by the Wyoming Supreme Court Clerk;
2. I have reviewed and will abide by all of the requirements found in the Electronic Filing Administrative Policies and Procedures;
3. That I will abide by the requirements of the Electronic Filing Administrative Policies and Procedures, Rule 5, regarding registration, change of contact information, and consent to electronic service;
4. That I will abide by all of the requirements of Rule 9, Rules of Service;
5. That all required redactions pursuant to Rule 11, have been made to any document submitted for electronic filing, and certification to that fact made on all documents electronically filed with the Court;
6. That any document submitted for electronic filing has been scanned for viruses, and is virus free; and
7. I understand that technical failures caused by my own hardware, software, or phone lines will not generally excuse an untimely filing.