

UNIFORM RULES FOR DISTRICT COURTS OF THE STATE OF WYOMING

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Rule 100. Title.

These rules may be known and cited as the Uniform Rules for District Courts of the State of Wyoming. (U.R.D.C.)

Rule 101. Appearances.

(a) Any person may appear, prosecute or defend any action pro se. Partnerships and sole proprietorships may appear through the owners.

(b) Corporations and unincorporated associations (other than partnerships and individual proprietorships) may appear only through an attorney licensed to practice in Wyoming.

(c) An active member of the Wyoming State Bar shall attend all hearings of any party represented by counsel. Unless excused by the court (after notice to all other counsel) the attorney shall attend all hearings on behalf of the attorney's client.

(d) All counsel and pro se parties shall appear promptly at court settings.

Rule 102. Appearance and withdrawal of counsel.

- (a) (1) An attorney appears in a case:
 - (A) By attending any proceeding as counsel for any party;
 - (B) By permitting the attorney's name to appear on any pleadings or motions, except that an attorney who assisted in the preparation of a pleading

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and whose name appears on the pleading as having done so shall not be deemed to have entered an appearance in the matter; or

(C) By a written appearance. Except in a criminal case, a written entry of appearance may be limited, by its terms, to a particular proceeding or matter.

(2) Except as otherwise limited by a written entry of appearance, an appearing attorney shall be considered as representing the party or parties for whom the attorney appears for all purposes.

(b) All pleadings shall contain the name, address and telephone number of counsel or, if pro se, the party. All notices shall be mailed to the address provided. Each party or counsel shall give notice in writing of any change of address to the clerk and other parties.

(c) Counsel will not be permitted to withdraw from a case except upon court order. Except in the case of extraordinary circumstances, the court shall condition withdrawal of counsel upon the substitution of other counsel by written appearance. In the alternative, the court shall allow withdrawal upon a statement submitted by the client acknowledging the withdrawal of counsel for the client, and stating a desire to proceed pro se. An attorney who has entered a limited entry of appearance shall be deemed to have withdrawn when the attorney has fulfilled the duties of the limited entry of appearance.

(Amended January 8, 2002, effective April 1, 2002.)

Rule 103. [Repealed].

[Repealed November 15, 2007, effective July 1, 2008.]

Rule 104. Admission pro hac vice.

(a) Definitions.

(1) "Applicant" means a member of the bar of any state, district or territory of the United States applying for admission pro hac vice.

(2) "Local counsel" means an active member of the Wyoming State Bar.

(3) "Rule 8" means Rule 8 of the Rules Governing the Wyoming State bar and the Authorized Practice of Law.

(b) Members of the bar of any other state, district or territory of the United States may apply for admission pro hac vice. An active member of the Wyoming State Bar, in compliance with Rule 8, must move a Wyoming trial court to allow the applicant to appear in a specific matter in a Wyoming trial court.

(c) Unless otherwise ordered, a motion to appear pro hac vice may be granted only if the applicant complies with Rule 8 and associates with local counsel, who must participate in the preparation and trial of the case to the extent required by the court. The applicant must also be a member in good standing of the bar of another jurisdiction.

(d) Applicants consent to the exercise of disciplinary jurisdiction by the court over any alleged misconduct which occurs during the progress of the case in which the attorney so admitted participates.

(e) Prior to filing any pleadings or other documents, an entry of appearance and certificate of compliance with Rule 8 must be filed in the clerk's office by local counsel.

(f) Local counsel will perform the following duties:

(1) move the applicant's admission at the commencement of the first hearing to be held before the court;

(2) sign the first pleading filed and continue in the case unless another local counsel is substituted;

(3) be present in court during all proceedings in connection with the case, unless excused, and have full authority to act for and on behalf of the client in all matters, including pretrial conferences, as well as trial or any other hearings.

(g) Any notice, pleading or other paper must be served upon all counsel of record, including local counsel, whenever possible, but it will be sufficient for purposes of notice if service of any motion, pleading, order, notice, or any other paper is served only upon local counsel, who will assume responsibility for advising the applicant of any such service. If the court orders or the parties stipulate, service of any notice, pleading, or other paper may be made directly upon the applicant at the business address of the applicant.

(h) For each case in which they are admitted or seek admission pro hac vice, and pursuant to Rule 8, applicants must follow the procedures set out in Rule 8(c). (Amended October 28, 2004, effective March 1, 2005; Amended effective May 13, 2014.)

Rule 105. Assignment of cases from the district court to the circuit court.

Where cases are assigned by a district court, to a circuit court, in accordance with W.S. § 5-3-112(a)(iii) and (iv), the parties shall give notice to the district court of their decision not to consent to such assignments within 10 days of the date of entry of the order assigning the case to a circuit court. (Adopted June 30, 2000, effective July 1, 2000.)

Rule 106. [Repealed].

[Repealed December 16, 2008, effective December 16, 2008.]

Rule 107. Court security.

(a) The district courts have the inherent authority to ensure that adequate court-room security measures are in place. Every district court, following consultation with the sheriff, the local county court security management committee, and other interested stakeholders, shall determine appropriate security measures needed to protect court-rooms and court personnel. In devising appropriate security measures, the Wyoming Court Security Commission's Court Security Standards shall be consulted. The court may conduct appropriate proceedings and enter appropriate orders to ensure that adequate security measures are in place.

(b) Wyo.Stat. Ann. § 18-3-604 requires the Sheriff "shall attend all courts of record in his county." In consultation with the presiding judge, the sheriff shall provide a sufficient number of deputies to maintain order in the courtroom at all times. The rules and orders of the court pertaining to conduct in the courtroom shall be enforced by him or them.

(Added and effective June 17, 2014.)

Rule 201. Continuances.

Cases will not be continued upon stipulation of counsel. Continuances will be granted only for good cause shown in writing.

Rule 202. Time limits.

Except as may be permitted by the Wyoming Rules of Civil Procedure and the Wyoming Rules of Criminal Procedure, time limits permitted or required by rules or court order may not be extended or modified by agreement of counsel, but only by order.

Rule 203. Default; dismissal for lack of prosecution.

(a) Entry of default in accordance with Rule 55(a), W.R.C.P., must be made in all default matters. Defaults may be heard by the court at any convenient time. If no

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request for hearing is made within 90 days after service of process upon the defendant, the case may be dismissed by the court. Upon application to the court before the expiration of 90 days, and showing good cause, the time may be extended.

(b) Cases on file for 90 days without service on the defendant will be dismissed by the court. Upon application to the court before the expiration of 90 days, and showing good cause, the time may be extended.

(c) Cases on the docket in which no substantial and bona fide action of record towards disposition has been taken for 90 days are subject to dismissal for lack of prosecution.

(d) Dismissal with prejudice shall be in conformity with the Wyoming Rules of Civil Procedure.

Rule 301. Facsimile transmission.

Facsimile transmission, as set forth in Rule 5(e), W.R.C.P., is available in criminal matters.

Rule 302. Proof of service.

(a) Except as may be otherwise provided in the Wyoming Rules of Civil Procedure, the Wyoming Rules of Criminal Procedure, or by order of court, proof of service of every document to be served may be made:

- (1) By an acknowledgement of service, signed by the attorney for a party or signed and acknowledged by the party;
- (2) By an affidavit of the person making service;
- (3) By a certificate of service appended to the paper to be filed and signed by the attorney for the party making service; or,
- (4) By entry upon the appearance docket showing service under Rule 5(b), W.R.C.P.

(b) The proof shall be filed with the court promptly and in any event before action is to be taken on the matter by the court.

Rule 303. Removal of files.

(a) Files may be removed from the clerk's office only under the following circumstances:

- (1) For use of the court;
- (2) By any member of the Wyoming State Bar for a period not exceeding five days at any one time;
- (3) By bonded abstractors for a period not to exceed five days at any one time; or
- (4) By anyone upon written order of the court.

(b) All files shall be returned to the clerk's office for use by the judge two working days before any hearing.

(c) The clerk may deny the privilege of removing files to anyone violating this rule.

(d) No worker's compensation, water irrigation or drainage district file shall be removed from the office of the clerk, except by a judge.

Rule 304. Form of jury demands, orders, notices of motion and discovery requests.

Counsel shall set forth on separate sheets of paper demands for jury trial, orders of the court and notices of motion. Counsel shall also set forth on separate sheets of paper each different type of discovery request, *e.g.*, interrogatories, requests for production, and admissions, when both served and answered.

Rule 305. [Abrogated].

Rule 401. Captions on filed documents and discovery documents.

(a) Every order, motion and petition, and all pleadings, shall recite the case number and shall have a title which briefly states its contents. For example, an order compelling discovery is to be titled, "Order Compelling Discovery," rather than "Order."

(b) Each different type of discovery request shall have a title which fairly describes the document being served or answered. For example, a request for production is to be titled, "Request for Production," and not merely titled "Discovery."

Rule 402. Citation of statutes.

Any complaint, petition or motion requesting relief based upon a statute shall contain a citation to the statute.

Rule 403. Format of briefs and jury instructions.

- (a) All briefs and jury instructions shall:
 - (1) Be on 8½ by 11 inch, white paper;
 - (2) Be printed with type not smaller than pica;
 - (3) Be double spaced (except descriptions of real property and quotations); and
 - (4) Be on one side of the paper.
- (b) One copy of submitted instructions shall be free of citations.

Rule 501. Taxation of costs.

- (a) *Civil cases.* —
 - (1) Filing of Certificate of Costs. — Within 20 days after entry of the final judgment allowing costs to the prevailing party, a certificate of costs shall be filed and copy served upon opposing counsel. The certificate shall be itemized. For witness fees, the certificate shall contain:
 - (A) The name of the witness;
 - (B) Place of residence, or the place where subpoenaed, or the place to which the witness voluntarily traveled without a subpoena to attend;
 - (C) The number of full days or half days the witness actually testified in court;
 - (D) The number of days or half days the witness traveled to and from the place of trial;
 - (E) The exact number of miles traveled;
 - (F) The manner of travel, air, railroad, bus or private vehicle; and,
 - (G) If common carrier transportation is used, the price of an economy fare.
 - (2) Objections to Certificate of Costs. — If no objections are served within 10 days after service of the certificate of costs, the costs shall be taxed as set forth in the certificate of costs. If objections are filed, the court shall consider the objections and tax costs. A hearing may be provided at the discretion of the court.
 - (3) Allowable Costs.
 - (A) Filing fees, jury demand fees and fees for services of process. (W.S. 18-3-608 sets forth sheriff fees.)
 - (B) Witness fees.
 - (i) Witness fees are allowed at the rate of \$30.00 per day and \$15.00 per half day necessarily spent traveling to and from the proceeding and in attendance at the proceeding. Mileage is allowed at the rate of \$.23 per mile, not to exceed the costs of common carrier transportation rates.

(ii) Expert witness fees shall be allowed at the rate of \$25.00 per day or such other amount as the court may allow according to the circumstances of the case. If the amount allowed constitutes a higher hourly rate than \$25.00 per day, this higher amount is allowable only for the time that the expert witness actually testified. Time charged in preparation for providing testimony and/or standing by awaiting the call to give testimony is not allowable as costs, except at the rate of \$25.00 per day.

(C) Reporter fees. The \$45.00 fee is a taxable cost. Transcripts of proceedings, such as motion hearings, pretrial conferences, etc., prepared at the request of a party in anticipation of trial are not taxable as costs unless such matters become part of the record on appeal.

(D) Costs of depositions.

(i) Costs of depositions are taxable if reasonably necessary for the preparation of the case for trial. A deposition is deemed reasonably necessary if:

I. Read to the jury as provided in Rule 32(a)(3), W.R.C.P.;

II. Used at trial for impeachment concerning a material line of testimony (impeachment on a collateral issue does not fall within the scope of this rule);

III. Necessarily, and not merely conveniently, used to refresh the recollection of a witness while on the stand; or,

IV. Was taken at the request of a nonprevailing party.

The foregoing are meant to provide guidelines, and are not exhaustive. The use of depositions for trial preparation alone does not justify the imposition of costs.

(ii) Reporters fees for depositions. Actual, ordinary reporting fees will be allowed. Extra costs for expediting transcripts or daily copy costs will not be allowed, except as authorized by an order entered prior to the date such costs are to be incurred. Reporters' travel, per diem expenses and appearance fees will not be taxed as costs.

(iii) Fees and expenses of counsel. Fees and expenses of counsel for traveling to and attending depositions are not taxable as costs.

(E) Copies of papers. Duplicating costs necessarily incurred for documents admitted into evidence shall be allowed. Duplication costs for documents for counsel's own use are not allowable.

(F) Exhibits received in evidence. The expense of preparing exhibits received in evidence, including 8 by 11 photographs (but not enlargements) videotapes, models and other demonstrative evidence are allowable as taxable costs at the discretion of the court.

(4) Other Costs Not Enumerated. — These rules do not preclude the award of other costs not enumerated herein if otherwise allowable under law; nor do they require the award of costs as they may be denied altogether if the court, through the exercise of its discretion, so determines. Moreover, to the extent that W.S. 1-14-125 limits costs, that statute is controlling. However, costs associated with the offer of judgment rule, *i.e.* Rule 68, W.R.C.P., must be awarded.

(5) Apportionment. — All costs may be apportioned among some or all of the non-prevailing parties as the court may determine.

(b) *Criminal cases.* —

(1) Allowable Costs.

(A) Non-expert witness fees as set forth in Rule 17(c)(1), W.R.Cr.P., are allowed: \$30.00 for each full day and \$15.00 for each half day necessarily spent traveling to and from the proceeding and in attendance at the proceeding. Mileage is allowed as provided in subdivision (a)(3)(B)(i).

(B) Expert witness fees are allowed as set forth in W.S. 1-14-102(b).

(C) The general standards as applicable to costs in civil cases will be applied, including witness fees, service fees and fees for depositions when actually used.

(2) Assessment of Costs Upon Defendant. — Payment of the costs of prosecution may be added to and made a part of the sentence in any felony case if the court determines that the defendant has an ability to pay or that a reasonable probability exists that the defendant will have an ability to pay.

Rule 502. Audio-visual depositions.

A party desiring to take the audio-visual deposition of any person shall give notice as required under Rule 30(b)(1), W.R.C.P. The notice shall state that the deposition will be recorded by audio-visual means as required under Rule 30(b)(4), W.R.C.P.

Rule 503. Late settlement or mistrial.

(a) When a civil case is settled too late for the clerk of court to advise the jury panel that the jurors should not appear on the date summoned, the court may order that any or all parties reimburse the proper fund for the fees and mileage paid to the jurors and bailiffs for their attendance.

(b) When a mistrial is caused by any party, the court may order that the party, or parties, reimburse the proper fund for fees and mileage paid to the witnesses, jurors and bailiffs for their attendance.

Rule 601. Deposition abuses.

(a) *Directions not to answer.* —

(1) Where a direction to a witness not to answer a deposition question is given pursuant to Rule 30(d)(1), W.R.C.P., and honored by the witness, any party may seek an immediate ruling as to the validity of such direction.

(2) If a prompt ruling cannot be obtained, the direction not to answer may stand and the deposition should continue until:

(A) A ruling is obtained; or

(B) The problem resolves itself;

but a direction not to answer on any ground not specified in Rule 30(d)(1), W.R.C.P., shall not stand and the witness shall answer.

(b) *Suggestive objections.* — If the objection to a deposition question is on the ground of privilege, the privilege shall be expressly stated and established as required by Rule 26(b)(5), W.R.C.P. If the objection is on another ground, the proper objection is “Objection” stating briefly the specific ground of objection. Objections in the presence of the witness which are used to suggest an answer to the witness are improper.

(c) *Conferences between deponent and attorney.* — An attorney for a deponent shall not initiate a private conference with the deponent during the actual taking of deposition, except for the purpose of determining whether a privilege should be asserted.

(d) *Claim of privilege.* — Where a claim of privilege is asserted during a deposition and information is not provided on the basis of such assertion, the attorney asserting the privilege shall identify during the deposition the privilege being claimed. In addition to work product, the privileges set forth at Wyo. Stat. § 1-12-101 (1977), the privilege for psychologists at Wyo. Stat. § 33-27-103 (1977), and any other privilege recognized by law, including a claim that the information sought is proprietary and thereby should be protected, may be asserted and identified as the privilege being claimed.

(e) This rule, and Rules 26(b)(5), 30(d)(1), and 30(d)(2), W.R.C.P., are equally applicable to all attorneys participating in depositions, whether such attorneys are appearing on behalf of a party or a non-party deponent. (Amended January 11, 1995, effective April 11, 1995.)

Rule 701. Juror interrogation.

Court personnel and officers shall not express approval or disapproval of the verdict. After the verdict, the court may thank the jury for its service and may instruct the jury as follows:

“You have completed your duties and are discharged. Whether you talk to the attorneys or others is your own decision. It is proper for the attorneys to discuss the case with you and you may talk with them, but you need not. If anyone persists in discussing the case over your objection or becomes critical of your service, please report it to me.”

Rule 801. Standards of professional behavior.

As one of the learned professions, the practice of law is founded upon principles of fairness, decency, integrity and honor. Professionalism connotes adherence by attorneys in their relations with judges, colleagues, litigants, witnesses and the public to appropriate standards of behavior. The district courts of Wyoming, in furtherance of the inherent power and responsibility of courts to supervise proceedings before them, shall hold attorneys to the following standards of professional behavior:

(a) *Standards of Behavior in Adjudicative Proceedings.* —

(1) Attorneys shall at all times treat all persons involved in adjudicative proceedings, including litigants, witnesses, other counsel, court staff and judges with candor, courtesy and civility, and demonstrate personal honesty, fairness and integrity in all of their dealings.

(2) An attorney shall at all times be civil and courteous in communicating with all persons involved in the adjudicative process, whether orally or in writing.

(3) Attorneys shall at all times extend reasonable cooperation to opposing counsel. Attorneys shall not arbitrarily or unreasonably withhold consent to opposing counsel's requests for reasonable scheduling or logistical accommodations, nor shall they condition their cooperation on disproportionate or unreasonable demands.

(4) An attorney shall not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or counsel's client and such conduct, in addition to representing a potential violation of the Wyoming Rules of Civil Procedure, shall be deemed a violation of professional standards.

(5) Attorneys shall be reasonably punctual in their communications with all persons involved in the adjudicative process and shall appear on time for all duly scheduled events involved in the adjudicative process, unless excused or detained by circumstances beyond their reasonable control. When an attorney, or an attorney's client, or a witness under the reasonable control of an attorney, becomes unavailable for a duly scheduled event, then the attorney shall promptly notify opposing counsel and, where appropriate, court reporters, court personnel, and others involved in the event.

(6) Attorneys shall not initiate any ex-parte communication with a judicial officer concerning any matter pending before the judicial officer unless such communication is expressly authorized by (a) an applicable rule of procedure, (b) a written order issued by the judicial officer, or (c) an agreement between all counsel involved in the pending matter. This rule shall not apply to communications between attorneys and appropriate personnel of the court or tribunal concerning scheduling or ministerial matters.

(7) Attorneys shall confer with opposing counsel and shall endeavor in good faith to resolve disputes before seeking the Court's intervention. This requirement applies to the filing of motions generally, in addition to those matters that arise under the situations addressed by this rule.

(8) When the Court is required to intervene, the Court may render any or all of the following sanctions against an attorney who is found, after notice and opportunity to be heard, to have violated this rule:

(a) A formal reprimand;

(b) Monetary sanctions, including but not limited to the reasonable expenses, including attorney's fees, caused by the attorney's conduct; or

(c) Such other sanctions as the Court deems appropriate under the circumstances.

(b) *Courtroom Decorum.* — The conduct, demeanor and dress of attorneys when present during any court proceeding shall reflect respect for the dignity and authority of the Court, and the proceedings shall be maintained as an objective search for the applicable facts and the correct principles of law.

(1) Arguments, objections and remarks shall be addressed to the Court.

(2) Counsel shall stand when addressed by the Court or when speaking to the Court.

(3) When examining a witness, counsel shall stand at the lectern and not walk around the courtroom.

(4) Counsel shall request permission to approach the bench or the witness.

(5) Counsel shall instruct clients and witnesses as to appropriate demeanor and dress.

Comment. *Courts, litigants, and the public rightfully expect attorneys to adhere to a very high standard of professional behavior. Stated positively, such behavior is exemplified by candor, courtesy, civility, honesty, integrity and fairness in all aspects of an attorney's involvement in the adjudicative process. This conduct is too often overlooked by attorneys who view themselves solely as combatants rather than professionals entrusted with the fair and orderly administration of justice according to established rules of procedure and substantive law. Attorneys who engage in obnoxious, caustic, or rude behavior, or who use their professional position to demean, degrade, or harass others involved in the adjudicative process violate the standard of professional behavior. While it is impossible to define all conduct violating the standard of behavior enunciated by this rule, shouting, cursing, and the use of obnoxious gestures are each strong indicators of a violation. Personal attacks on opposing counsel are never appropriate.*

Attorneys must strive to uphold professional standards of behavior in order to avoid the loss of trust by the public in our system of justice. As a self-policing profession, it is incumbent upon attorneys to demand adherence to professional standards of behavior, not only by themselves, but by other attorneys with whom they deal. Attorneys should emphasize adherence to these standards by those whom they employ or become associated with, including out-of-state counsel. As attorneys should always first attempt to resolve any differences between them on their own, not every violation of this rule warrants reporting it to the Court or tribunal. Nevertheless, attorneys should consider it part of their professional obligation to report serious or repeated violations of the standards of behavior to the controlling adjudicative authority. Further, judges or other adjudicative authorities should consider it part of their obligation to enforce violations of this rule, irrespective of how they became aware of the violation.

This rule should not be construed by attorneys as creating another avenue for filing unnecessary or inappropriate motions. Rather, it is expected that adher-

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ence to this rule will obviate a wide variety of motions that result in unnecessary demands upon the Court's time and resources. The mere fact that this rule has been adopted should provide incentive enough to eliminate the misconduct at which it is directed. Rarely should it be necessary for the Court to sanction an attorney for conduct in violation of this rule.

(Amended August 14, 2012, effective January 1, 2013; Amended effective May 13, 2014.)

Rule 802. Use of telephone conference calls.

In a civil case, the court in its discretion, may use a telephone conference call for any proceeding. The court may require the parties to make reimbursements for any telephone charges incurred by the court. Such calls are available for criminal matters, if not inconsistent with those safeguards which attend all criminal matters.

Rule 803. Use of audio recording equipment.

Upon notice to the court and parties, audio recording equipment may be used to record the decision of the court. No recording may be disclosed without the consent of all parties and the court, nor used to impeach any official court record.

Rule 804. Media access.

Media access, as set forth in Rule 53, W.R. Cr. P., is available in civil cases governed by the Wyoming Rules of Civil Procedure.

Rule 901. Sanctions.

The following may be imposed for violation of these rules:

- (1) Reprimand;
- (2) Monetary sanctions;
- (3) Contempt;
- (4) Striking of briefs or pleadings;
- (5) Dismissal of proceedings;
- (6) Costs;
- (7) Attorney fees; or
- (8) Other sanctions.

Rule 902. Resolution of civil matters taken under advisement.

All civil matters taken under advisement by the court shall be decided with dispatch. A judge shall give priority over other court business to resolution of any matter subject to delay hereunder, and if necessary will call in another judge to assist.

Rule 903. Retrieval or disposition of exhibits.

After time for appeal has expired, counsel shall retrieve all exhibits. Exhibits not retrieved by counsel within 60 days after the time for appeal has expired, shall be disposed of by the court reporter.

Rule 904. Notice to court reporter.

Any party requesting the reporting of a particular matter by the official court reporter shall provide notice to the official court reporter at least three working days before the matter is set for hearing. The three-day notice requirements can be waived by the court. The notice is not required for juvenile and criminal matters.

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(Amended December 31, 2001, effective April 1, 2002.)

Rule 905. [Repealed].

[Repealed July 1, 2014, effective July 1, 2014.]

Rule 906. Time for transcribing certain criminal proceedings.

Transcripts for arraignments, guilty pleas and sentencing proceedings shall be transcribed within 60 days of such proceedings, but such period may be extended by order of the district court for good cause shown, provided that such extension does not conflict with any deadlines incident to an appeal should such be undertaken.

Rule 907. Electronic audio record for paternity cases.

The district court in its discretion may comply with any requirements to report cases pursuant to Wyo. Stat. Ann. § 14-2-408 by providing an electronic audio record of the proceedings.

(Adopted October 28, 2003, effective January 1, 2004.)

Rule 908. Rules for court reporters; retention of stenographic notes; certification and continuing education of official court reporter; equipment and supplies; payment of fees.

I. Stenographic notes.

(a) All Official Court Reporters shall maintain or cause to be maintained a log of all stenographic notes of any District Court proceeding that is reported by them. This log shall list the name of the case, date of the proceeding, and an assigned reference number. If both paper notes and electronic notes are made at the time of the proceeding, then both shall be reflected on the log.

(1) All notes, paper and/or electronic, as well as the log shall be maintained in the offices of the District Court, in a location known to the District Court Judge.

(2) All notes, paper and/or electronic, shall be considered the property of the District Court.

(b) All Official Court Reporters who perform their official duties with the use of an electronic writing device shall maintain a current copy of their "Personal Dictionary" in electronic format in the offices of the District Court, in a location known to the District Court Judge, and such electronic copy of the "Personal Dictionary" shall be considered the property of the District Court.

(c) Each District Court shall create an individual "emergency" contingency plan regarding the production of transcripts that shall be implemented upon the death or incapacitation of the Official Court Reporter. Such plan shall include, but need not be limited to:

(1) The location of the Official Court Reporter's Case Log.

(2) The location of the disks (or other storage device) of the reporter's electronic notes.

(3) The location of the hardware/software used by the reporter to produce transcripts, including the name of the software and phone number of the software vendor.

(4) A list naming at least two individuals who are capable of reading the reporter's notes, if available.

(d) In addition to the foregoing, the District Court Judge may require his/her Official Court Reporter to take further precautions to protect court transcripts.

(e) All court transcripts are the work-product of the Official Court Reporter. Arrangements shall be made through the Official Court Reporter regarding purchase of any and all transcripts, even though the original is contained in a court file.

II. Certification and continuing education of official court reporter.

(a) All persons performing the duties of Official Court Reporter shall be certified. The reporter may obtain Wyoming certification by:

(1) Passing the Registered Professional Reporter examination administered by the National Court Reporters Association; or

(2) Having graduated from an accredited court reporting school and passing a five-minute, two-voice dictation test at 225 words per minute at 95% accuracy (65 errors). Such test will be taken from a National Court Reporters' Examination Tape and administered by a committee of no less than two persons appointed by the District Court Judge. (This tape is to be held by a designated member of the Wyoming Professional Court Reporters Association.)

(3) Passing a certification test from any other certifying state in which the requirements for certification meet the standards outlined in (a)(2) above; or

(4) Serving in the capacity as a full-time Official Court Reporter in a Wyoming District Court for a minimum of one year immediately prior to the adoption of this rule.

(b) Any noncertified reporter hired hereafter shall be given two (2) years from the date of hire in which to obtain certification per the requirements of (a)(1), (2) or (3) of this Rule.

(c) All Official Court Reporters shall be required hereafter to earn three (3) continuing education units during each consecutive three (3) year period as per the National Court Reporters Association. (The record of continuing education units are to be held by a designated member of the Wyoming Professional Court Reporters Association.)

III. Equipment and supplies.

(a) All Official Court Reporters shall provide the equipment necessary to report and create transcripts of District Court proceedings. This equipment may include, but need not be limited to, stenographic writing machines, computers for transcription, and printers.

(b) All Official Court Reporters shall provide the software necessary for the production of transcripts.

(c) The State shall provide for the Official Court Reporter's use those other items necessary to report and create transcripts of District Court proceedings. These items may include, but need not be limited to, stenograph paper, printer paper and toner.

IV. Payment of fees; multi-defendant proceedings.

(a) All Official Court Reporters shall submit transcript invoices on a standard form as appended to these rules. The invoice form shall identify the title and number of the cause for which the transcript was required to be furnished, the nature of the proceedings transcribed, and the fee approved therefore.

(b) If the District Court conducts multi-defendant proceedings, such as arraignments, the Court Reporter shall be compensated by the District Court for one original transcript, and shall be compensated for copies of said transcript for each of the additional defendants' court files. If a court proceeding entails one defendant with multiple counts or cases, the Court Reporter shall be compensated by the District Court for one original transcript, and shall be compensated for copies of said transcript for each of the defendant's additional court files. The rates for original transcripts and copies shall be as set forth in W.S. 5-3-410(e).

(Adopted June 23, 2009, effective September 1, 2009; amended December 21, 2012, effective January 1, 2013.)

Rule 909. Compromise, settlement, discontinuance and distribution of action involving minor or incompetent person.

(a) No action to which a minor or incompetent person is a party or claim belonging to a minor or incompetent person shall be compromised, settled or discontinued except after approval by the court pursuant to a petition presented by the conservator of the minor or incompetent person. The petition shall be filed in the court in which the action is pending or it may be filed in the conservatorship matter.

(i) The petition shall disclose the age and sex of the minor or incompetent person, the nature of the causes of action to be settled or compromised, the facts and circumstances out of which the causes of action arose, including the time, place and persons involved, the manner in which the compromise amount or other consideration was determined, including such additional information as may be required to enable the court to determine the fairness of the settlement or compromise, and, if a personal injury claim, the nature and extent of the injury with sufficient particularity to inform the court whether the injury is temporary or permanent. The conservator shall submit a succinct statement of the medical issues involved. The Court, on motion of any interested party, or on its own motion, may direct that reports of physicians or other similar experts that have been prepared shall be provided to the court. The court may also require the filing of experts' reports when none have previously been prepared or additional experts' reports if appropriate under the circumstances. Reports protected by an evidentiary privilege may be submitted in a sealed condition to be reviewed only by the court in camera, with notice of such submission to all parties.

(ii) When the minor or incompetent person is represented by an attorney, it shall be disclosed to the court by whom and the terms under which the attorney was employed; whether the attorney became involved in the petition at the instance of the party against whom the causes of action are asserted, directly or indirectly; whether the attorney stands in any relationship to that party; and whether the attorney has received or expects to receive any compensation, from whom, and the amount.

(iii) Upon the hearing of the petition, the representative compromising the claim on behalf of the minor or incompetent person shall be in attendance. The court, for good cause shown, may require that the minor or incompetent person shall be in attendance. The court may require the testimony of any appropriate expert, as well as the submission of other evidence relating to the petition.

(iv) A copy of the petition and all supporting documents filed in connection therewith shall be filed in the district court with a copy to all parties and to the judge who may either approve the settlement or compromise without hearing or calendar the matter for hearing.

(v) The court shall determine that the following have been carefully considered by the conservator:

- (1) whether the proposed settlement was fairly and honestly negotiated;
- (2) whether serious questions of law and fact exist, placing the ultimate outcome of the litigation in doubt;
- (3) whether the value of an immediate recovery outweighs the mere possibility of future relief after protracted and expensive litigation; and
- (4) the judgment of the parties that the settlement is fair and reasonable.

(b) When a compromise or settlement has been so approved by the court, or when a judgment has been entered upon a verdict or by agreement, the court, upon petition by the conservator or any party to the action, shall make an order approving or

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disapproving any agreement entered into by the conservator for the payment of counsel fees and other expenses out of the fund created by the compromise, settlement or judgment; or the court may make such order as it deems proper fixing counsel fees and other proper expenses. The balance of the fund shall be paid to a conservatorship of the estate of the minor, or incompetent person, qualified to receive the fund, if the minor has one or one is to be appointed.

(c) When a judgment has been entered in favor of a minor plaintiff and no petition has been filed under the provisions of subdivision (b) of this rule, the amount of the judgment or any part thereof shall be paid only to a conservator of the estate of the minor qualified to receive the fund

(d) Nothing contained in this rule shall prevent the payment into court of any money by the defendant.

(Adopted February 3, 2011, effective July 1, 2011.)