

***IN THE SUPREME COURT, STATE OF WYOMING***

***April Term, A.D. 2010***

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***In the Matter of Amendments to*** )  
***Rules 2.01 and 2.09 of the Wyoming*** )  
***Rules of Appellate Procedure*** )

**ORDER ADOPTING AMENDMENTS TO RULES 2.01 AND 2.09 OF THE  
WYOMING RULES OF APPELLATE PROCEDURE**

The Permanent Rules Advisory Committee, Appellate Division, has recommended that the Court amend Rules 2.01 and 2.09 of the Wyoming Rules of Appellate Procedure. The Court, having examined the proposed amendments, finds the amendments should be adopted. It is, therefore,

**ORDERED** that the amendments to Rules 2.01 and 2.09 of the Wyoming Rules of Appellate Procedure, attached hereto, be, and hereby are, adopted by the Court to be effective July 1, 2010; and it is further

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

**DATED** this 14<sup>th</sup> day of April, 2010.

**BY THE COURT:**

**BARTON R. VOIGT**  
Chief Justice

## WYOMING RULES OF APPELLATE PROCEDURE

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### Rule 2.01. How and when taken; cross-appeals and dismissals.

(a) An appeal from a trial court to an appellate court shall be taken by filing the notice of appeal with the clerk of the trial court within 30 days from entry of the appealable order and concurrently serving the same in accordance with the provisions of Rule 5, Wyo.R.Civ.P., (or as provided in Wyo.R.Cr.P. 32(c)(4)). The pro se filing of a notice of appeal by an inmate confined in a penal institution is additionally subject to the provisions of Rule 14.04. Within five days of the filing of the notice of appeal with the clerk of the trial court, a copy of the notice of appeal shall also be filed with the clerk of the appellate court, and in a criminal case upon the office of public defender and the office of attorney general.

(1) Upon a showing of excusable neglect, the trial court in any action may extend the time for filing the notice of appeal ~~not to exceed 15 days from the expiration of the original time prescribed~~ to 45 days from entry of the appealable order, provided the application for extension of time is filed and the order entered prior to the expiration of 45 days from entry of the appealable order. Along with the application for extension of time, appellant shall submit a proposed notice of appeal, which the clerk of court shall retain. At the time of filing the application for extension of time, appellant shall also deliver to the clerk of the trial court the filing fee for docketing the case in the appellate court or a motion for leave to proceed in forma pauperis. See W.R.A.P. 2.09(a). If the trial court grants the application for extension of time, the clerk of court shall file the proposed notice of appeal concurrently with entry of the order extending the time. If the trial court denies the application, the docketing fee shall be refunded to appellant. ; ~~a~~Appellant shall promptly serve appellee a copy of the order extending the time. If such an order is issued, it shall be appended to the notice of appeal that is filed with the clerk of the appellate court.

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### Rule 2.09. Payment of Filing Fee and Disposition

(a) At the time of filing the notice of appeal, an appellant shall deliver to the clerk of the trial court the filing fee for docketing the case in the appellate court or a motion for leave ~~an order permitting appellant~~ to proceed in forma pauperis. If the trial court denies the motion for leave to proceed in forma pauperis, an appellant may, within 30 days of entry of the order denying the motion, deliver to the clerk of the trial court the filing fee for docketing the case in the appellate court. If such fee is not paid within those 30 days, the appeal will not proceed further. A docketing fee shall be collected for each notice of appeal. If the appeal is dismissed prior to the notice from the clerk of the trial court to the clerk of the appellate court that the record on appeal has been completed, the filing fee for docketing the case in the appellate court shall be refunded to appellant. The clerk of the trial court shall forward the appellate court's filing fee to the clerk of the appellate court at the time the clerk of the trial court submits its notice that the record on appeal has been completed. The case then shall be docketed in the appellate court. A subsequent dismissal by the appellate court of the appeal shall not entitle appellant to refund of the filing fee. All fees under this rule due from or payable by the State of Wyoming or its subdivisions will be paid to the clerk of the trial court by check, voucher or other appropriate fund transfer request in the proper form.

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