

WYOMING SUPREME COURT

ELECTRONIC FILING ADMINISTRATIVE POLICIES
AND PROCEDURES MANUAL

December, 2007

Revised June, 2008

Second Revision September, 2010

Third Revision April, 2015

Fourth Revision July, 2017

Table of Contents.

1. Introduction
2. Definitions
3. General Policies, Public Access
4. Eligibility
5. Registration, Change of Contact Information, Usernames and Passwords
6. Conventional Filing of Documents
7. Titles of Documents
8. Filing Errors
9. Rules of Service
10. Hyperlinks
11. Redaction
12. Signatures
13. Briefs, Motions, Exhibits, Attachments and Appendices
14. Proposed Documents
15. Technical Failures
16. Modifications and Amendments of Electronic Filing Procedures

Appendices:

- A - Table of Docket Entries
- B - Terms and Conditions for Users of Wyoming Supreme Court CTEF
- C – E-Filing Notice to Counsel

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 (W.R.A.P.) apply to electronic filing, including the requirements of W.R.A.P. 1.01(c)(1) that the original paper document with an original signature and six copies shall be filed.

2. Definitions.

(a) 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.

(b) Conventional Filing means filing paper documents according to W.R.A.P. as those rules currently exist.

(c) 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.

(d) 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.**

(e) 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.

(f) 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 or which cannot be scanned.

(g) 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.

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

(i) Registered User means an individual who has completed the training course and has registered a username and password in the CTEF system for electronic filing of documents. Currently, only active members of the Wyoming Bar may electronically file.

(j) 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.

(a) Parties and the general public may view docket pages and most documents electronically through the public docket on the Judicial Branch website. The public docket provides the case caption, the status of the case, counsel of record, the docket entries, and due dates for briefs and responses. There are no fees for viewing the docket.

(b) Documents in confidential cases, such as adoptions, juvenile matters, attorney and judicial discipline as well as any other case document ordered sealed by the Court, shall be electronically filed unless otherwise ordered by the Court. Access to confidential cases is limited to counsel of record only, and confidential cases shall not be available for public access through the CTEF website.

(c) The Wyoming Supreme Court requires the electronic filing of all documents by members of the Wyoming State Bar.

(d) A document created with a word processor using Word or WordPerfect, or a paper document which has been scanned for attachment to an electronic document, 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.

(e) Registered users may submit documents electronically 24 hours a day, seven days a week. Documents received after 11:59:59 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.

(f) In case of technical problems, users should contact the Clerk's office at (307)777-7316 during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

4. Eligibility.

(a) Attorneys who are active members in good standing of the Wyoming State Bar are eligible to be users upon registration and completion of training. It is the responsibility of CTEF users to ensure their staff is adequately trained and familiar with the Court's docket. An "E-filing Notice to Counsel" will be sent to attorneys that are not registered e-filers in CTEF. No paper service will be made by the Supreme Court on attorneys failing to comply.

(b) 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 electronic filings must be made by local counsel.

(c) 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.

(d) Law students are not eligible users.

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

(a) 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 and email address. An attorney whose mailing address, telephone number, or email address changes must update the information on his or her E-file Account screen. It is the user's responsibility to maintain a current email address 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, Article I, Section 2. Member contact information.

(b) 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.

(c) Each attorney who completes training shall register one username and 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, if they learn that their password has been compromised, to change the password immediately using the CTEF utilities menu.

(d) After completing training and registering with the system, the registrant may file 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. All counsel who intend to participate in an appeal should become users as soon as is reasonably possible upon the docketing of an appeal to ensure service of documents.** Orders may be entered anytime after docketing.

(e) The user can register multiple email addresses to receive system messages. After logging on in "Account" tab, select "Add another email address." All generated notices will go to all email addresses on file.

6. Conventional Filing of Documents.

(a) Until otherwise ordered, the Court will continue to require conventional filing in addition to electronic filing of all documents. See Rule 13.

(b) All petitions for review pursuant to W.R.A.P. 13, or any other original proceeding, shall be filed by conventional means only. All responses and further briefing, if granted, shall be electronically filed.

(c) Documents filed in the trial courts pursuant to the W.R.A.P., 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.

(d) Documents filed in the trial courts pursuant to the W.R.A.P., 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.

(a) 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.

(b) 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 any other motion, or a response to a motion. Requests for extensions of time are considered separately, and a due date may pass while any substantive motion is pending for conference.

8. Filing Errors.

(a) 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), using the correct type and subtype 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 errors by telephone at (307) 777-7316. If the filing has not been accepted, the Clerk can reject the filing. 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 or amend a document, but should not file the replacement document unless specifically allowed to do so.

(b) When documents filed do not comply with the rules (such as the Rules Governing Redaction from Court Records), the document will be removed from the public docket and counsel will immediately be notified by email and instructed to re-file the pleading within a specified amount of time. If the pleading is not correctly re-filed within the required time, it shall not be considered timely filed.

9. Rules of Service.

(a) 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). Every email address listed by the attorney will receive system generated notices. 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 pro se party who files by conventional means must serve paper copies on all parties to the case.

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

(c) 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 should 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. When using "cut and paste" from another document, proofread the dates and document name.

(d) 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.

(e) Notification of the filing of all Court orders and opinions related to cases will be served electronically through the CTEF to all registered counsel of record and email addresses added for receipt of system generated notices. Notice of electronic filing generated by the CTEF system constitutes service of Court orders. All counsel who intend to participate in a case should become registered users as soon as possible upon the docketing of an appeal in order to receive notification of the filing of Court orders. No paper copy will be mailed to any attorney that has failed to comply with mandatory electronic filing. (Appendix C) The orders will be uploaded to the docket page and may be viewed on the public docket.

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.

(a) Parties must comply with current redaction rules for all documents filed with the Court, including exhibits, whether filed electronically or in paper.

(b) The responsibility for redacting 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) The signed paper original accepted for filing plus six copies are required to be filed within three days of electronic filing. Do not mail or deliver copies prior to acceptance by the Clerk.

(b) Electronic Filing Attorney Signature.

(1) 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.)
The Law Firm
111 South Street or P.O. Box 111
Cheyenne, WY 82001
Telephone (xxx) xxx-xxxx
email address

(c) Non-Filing Attorney Signature.

(1) 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)

(2) 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.

(d) Non-User Signature.

(1) 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.

(2) 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.

(e) Multiple Signatures.

(1) 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.

(a) Users must furnish the full contents of briefs or motions in digital form, i.e. Word or WordPerfect, not scanned. Scanned attachments are added after uploading the document using "Attach Another Document."

(b) Pursuant to W.R.A.P. 7.01(j) and 7.02, all briefs shall have attached a scanned copy of the trial court's judgment, sentence, or final order and decision letter (if applicable).

(c) **Documents should not exceed 100 megabytes.**

14. Proposed Documents.

(a) Amicus Curiae. Pursuant to W.R.A.P. 7.12, a brief of *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 brief will be filed, scanned and added to the docket entry.

(b) 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.

(c) Intervenors. No party may intervene in a case without leave of Court granted on motion. If the motion to intervene is granted, the intervening party will be added to the case caption, and counsel included as counsel of record.

15. 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.

16. 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
- Attorney's 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 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

Admission pro hac vice
Accept late filing
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 response/objection
Extension of time – other
Fees and costs
File an amended pleading
Intervene
Oral argument – exceed time limit
Oral argument – leave to participate
Oral argument – reassignment from brief only 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
Withdrawal of counsel
Withdraw a document
Withdrawal of record

Notice – Incoming

- Additional authority
- Bankruptcy proceeding
- Change of address
- Confession of error
- Consent and approval
- Consent of client
- District Court pleading
- Entry of appearance
- Errata
- Other
- Request to place on brief only docket
- Statement of costs
- Status report – bankruptcy
- Status report – other
- Suggestion of death

Petition

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

Response/Objection

- Costs
- Extension
- Motion
- Other
- Order to show cause
- Petition for review

Service

- Certificate of service
- Amended certificate of service

APPENDIX B

TERMS AND CONDITIONS FOR USERS OF
WYOMING SUPREME COURT CTEF

I certify:

- 1. Required redactions pursuant to the Rules Governing Redactions From Court Records, have been made to every document submitted for electronic filing,**
2. That any document submitted for electronic filing has been scanned for viruses, and is virus free;
3. I understand that technical failures caused by my own hardware, software, or phone lines will not generally excuse an untimely filing; and
4. No support will be provided for any filing made in CTEF between 5:00 p.m. and 8:00 a.m. weekdays, weekends or holidays.

APPENDIX C

E-FILING NOTICE TO COUNSEL

The Wyoming Supreme Court instituted mandatory electronic filing July 1, 2008. As a Wyoming lawyer, you are required to review the training materials and pass the test to become a user of the C-Track Electronic Filing System (CTEF) prior to electronically filing documents in the Court.

If you are not registered as an electronic filer in CTEF, you will not be sent any electronic notice by the Supreme Court of filings including orders entered by the Court.

On November 2, 2010, the Court began serving and posting all orders regarding cases electronically. The electronic notice constitutes service and no paper copies will be mailed. Wyoming attorneys participating in Supreme Court cases should take the training as soon as possible to guarantee service of orders and briefs.

The manuals and test are found by going to the Court's website at <http://www.courts.state.wy.us>. After you have read the E-filing Manual and Policies and Procedures, you may take the test and submit it to the Clerk's office for review and approval.

The Court will consider a motion to be excused for electronic filing for good cause shown if filed prior to the due date for filing of briefs. Good cause may be not having access to the Internet, but would not include such things as not having time to take the training course. One hour of CLE credit will be earned for completion of the test, and may be submitted to the Wyoming State Bar for credit.

Please feel free to contact the Clerk's office at (307)777-7316, or pbennett@courts.state.wy.us if you have any questions or concerns.