

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2014

IN THE SUPREME COURT
STATE OF WYOMING
FILED

*In the Matter of the Amendments to the
Rules of the Supreme Court of Wyoming*

NOV 14 2014

CAROL THOMPSON, CLERK
Carol Thompson
by CHIEF DEPUTY

ORDER AMENDING THE RULES OF THE SUPREME COURT OF WYOMING

This matter came before the Court on its own motion. This Court finds the Rules of the Supreme Court of Wyoming should be amended, because some of the rules have been relocated and others are obsolete. It is, therefore,

ORDERED that the attached amendments to the Rules of the Supreme Court of Wyoming are hereby adopted by the Court to be effective January 14, 2015; and it is further

ORDERED that to the extent any prior order of this Court may be inconsistent with the attached amendments, those orders are hereby superseded; and it is further

ORDERED that this order and the attached amended rules be published in the advance sheets of the Pacific Reporter; the attached amended rules be published in the Wyoming Court Rules Volume; and this order and the attached amended rules shall be made available online at this Court's website, <http://www.courts.state.wy.us>. The amended rules shall thereafter be recorded in the journal of this Court.

DATED this 14th day of November, 2014.

BY THE COURT:



E. JAMES BURKE
Chief Justice

Rules of the Supreme Court of Wyoming

Rule 1. Public sessions; terms; business hours; open hearings.

(a) Public sessions of the court during each regular term shall be held at the Supreme Court and Library Building at the capital of Wyoming, commencing at 9:00 a.m., unless otherwise specially ordered in stated cases.

(b) Each term shall be deemed open and continue until the commencement of the next succeeding term.

(c) The court shall be open during all business hours for the filing of papers and documents, the hearing of cases, the rendering of decisions and the making of orders and rules; provided that, unless the court shall order otherwise, all hearings shall be held in open court after such notice to the parties or their counsel as the court shall deem reasonable. Hours for the electronic filing of documents shall be established by the Wyoming Rules of Appellate Procedure.

(d) If a case which has been designated as confidential is to be argued before the Court, before the argument begins, the clerk of court shall ensure that the courtroom has been cleared of all persons who are not parties, counsel for parties, Court staff personnel, or otherwise permitted to attend.

Rule 2. Clerk of court.

The clerk of the court shall ~~reside at the capital of Wyoming and keep his an~~ office at the Supreme Court and Library Building and shall not practice as an attorney or counselor in this or any other court while ~~he continues in~~ holding such position. The clerk He shall have the custody of the seal and all records (including electronic records), books and papers appertaining to the court and the proceedings therein. The clerk He shall keep a record of all proceedings of the court, and for this purpose shall keep a journal, an appearance docket, a roll of the attorneys admitted to practice in the court showing the date of their admission, and records of a book for noting the filing of applications for admission to the bar and the proceedings thereon. The clerk He shall record in the journal as they occur the orders, judgments and other proceedings of the court which are proper to be recorded therein. The clerk He shall enter each case upon the appearance docket in the order in which it is commenced or filed, numbering the cases consecutively. At the time of the commencement or filing of a case, the clerk he shall enter on the appearance docket the full names of the parties, except in confidential cases, where the parties' initials should be used. The clerk shall note on the docket with the names of counsel then appearing, or shown by the papers on file, and thereafter, whenever they appear, the name or names of other counsel. The clerk ~~and~~ shall note under the case so docketed at the time the same occurs the filing of the various papers, the issuance of any process, the orders made in the case, the fees and taxation of costs, and whenever any fees are paid or advanced the amount and date thereof and the party paying or advancing the same, and such other proceedings, if any, as may be necessary from time to time to show the condition of the case. Whenever a decision is rendered the clerk shall promptly give notice thereof by United States mail, electronic mail, and/or telephone call to an attorney on each side and to the judge who presided over the proceedings subject to review, unless such attorneys are in attendance at the time the decision is announced.

Rule 3. Fee schedule.

The clerk of the Supreme Court shall collect the following fees:

(a) For the docketing of an appeal or any original proceeding, including any matters brought to the supreme court by the certification process or the writ of review, \$95.00, \$10.00 of which shall be deposited into the judicial systems automation account established by Wyo.Stat. Ann. § 5-2-120; and \$10.00 of which shall be deposited into the indigent civil legal services account established by Wyo.Stat. Ann. § 5-2-121.

(b) The sum of \$5.00 for issuing certified court documents and certification of records.

(c) The sum of \$10.00 for certificates of good standing of attorneys.

(d) The sum of \$.50 per page for reproducing any document, record or other paper.

(e) The sum of \$10.00 for replacement or duplication of admission certificate.

(f) For notary service, fee as set by Wyo.Stat. Ann. § 34-26-302.

Rule 4. Composition of court on rehearing.

Active members of the Court at the time of consideration of a petition for rehearing, and if granted, the rehearing itself shall participate in consideration and decision. If at that time a justice shall be recused, the justice participating in the original decision shall sit, if available.

Rule 5. Use of cameras and wireless communication devices during proceedings.

(a) Absent express authorization by the Supreme Court, individuals attending or participating in open court or confidential proceedings shall not use or operate any camera, video recording device, or audio recording device to record, broadcast, or photograph the proceedings.

(b) Except as provided, individuals attending or participating in open court or confidential proceedings shall not use a Wireless Communication Device during the proceedings. Such devices shall be completely turned off and not merely set to “vibrate” or a similar setting.

(c) Wireless Communication Devices are those electronic devices that are capable of wirelessly transmitting voice and/or data including, but not limited to mobile phones, cellular communication devices, personal digital assistants (PDAs), and computers.

(d) Counsel of record during oral argument.

(i) Unless otherwise ordered by the Court, attorneys may use laptop computers that can access the internet at counsel tables during oral argument, provided that the rules prohibiting photography, recording and broadcasting court proceedings are not violated and all audio sounds are muted.

(ii) Attorneys of record may use cell phones, PDAs, and other Wireless Communication Devices at counsel table only with the express permission of the Court.

(e) A violation of this rule may result in the immediate removal of the person. The Court Security Officer or other law enforcement officers acting on the Court’s behalf are authorized to confiscate, seize and inspect Wireless Communication Devices or cameras used, or suspected of being used, in violation of this rule, and/or remove the person suspected to have violated this rule. Seized Wireless Communication Devices or cameras will generally be returned after the conclusion of proceedings or as otherwise directed by the Court.

(f) A violation of this rule may be punished by contempt of court, giving due consideration to the nature of the violation and any history of similar or past violations. A violation that disrupts a Court proceeding may be punished by direct summary contempt proceedings.

(g) Any person who brings a camera or Wireless Communication Device into a Wyoming Supreme Court open court or confidential proceeding shall be deemed to have consented to the terms and conditions of, and to be subject to, this rule.

(h) This rule is not applicable to employees of the Wyoming Supreme Court, including the Clerk of Court, judicial staff and administrative staff.

Rule 6. Weapons on court premises.

(a) No dangerous weapon may be carried on the Wyoming Supreme Court's premises, except as provided in this rule. Wyoming Supreme Court Security Offices and Wyoming Highway Patrol Troopers, when acting as Supreme Court Security Officers, are authorized to request that any persons carrying a dangerous weapon on the Supreme Court's premises relinquish the weapon. The weapon will be secured at the Court Security Office then returned to the person when he/she leaves the Supreme Court's premises, unless the Court Security Officer or Trooper to whom the weapon was relinquished determines that other law enforcement personnel should be involved. If a person carrying a dangerous weapon refuses to relinquish the weapon, he/she shall be denied access to the Supreme Court premises.

(b) As used in this policy, "dangerous weapon" means a firearm, explosive, incendiary material, or any other implement or device capable of being used as a deadly weapon, where such implement or device has no reasonable usage related to the conduct of government business.

(c) Nothing in this policy prohibits the carrying of weapons on the Supreme Court premises by Peace Officers, as defined and authorized by Wyoming Statutes, who are acting in an official capacity and who are not parties to a case currently before the Court. Peace Officers entering the Supreme Court Building shall disclose to Court Security Officers or Troopers acting as Court Security Officers, that they are carrying a weapon or weapons into the facility.

(d) Exceptions to this rule may be granted on an individual basis by the Court Security Officer, with the prior concurrence of the Court.

Rule 3. Prerogative writs.

~~In any application made to the court for a writ of habeas corpus, mandamus, quo warranto or for any prerogative writ to be issued in the exercise of its original jurisdiction and for which an application might have been lawfully made to some other court in the first instance, the petition shall, in addition to the necessary matter requisite by the rules of law to support the application, also set forth the circumstances which, in the opinion of the applicant, render it necessary or proper that the writ should issue originally from this court, and not from such other court, and the sufficiency or insufficiency of such circumstances so set forth in that behalf will be determined by the court in awarding or refusing the application. In case any court, justice or other officer, or any board or other tribunal, in the discharge of duties of a public character, be named in the application as defendant, the petition shall also disclose the name or names of the real party or parties, if any, in interest, or whose interest would be directly affected by the proceedings; and in such case it shall be the duty of the applicant obtaining an order for any~~

~~such writ to serve or cause to be served upon such party or parties in interest a true copy of the petition and of the writ issued thereupon, and to file in the office of the clerk of this court evidence of such service.~~

Rule 4. Writs of prohibition.

~~(a) Petition; Issuance of Writ. Writs of prohibition in this court shall be applied for upon petition, duly verified in manner required for the verification of petitions in other cases; such petition shall state in concise form the grounds upon which the application is made and shall be presented to this court, or a justice thereof. If the cause shown appears to this court, or a justice, to be sufficient, a writ shall thereupon issue, which shall command the court or judge thereof, and the party in whose favor the proceedings to be restrained were taken or are about to be taken, to desist and refrain from further proceedings in the action or matter specified therein until further order of the court thereon and to show cause why they should not be absolutely restrained from any further proceedings in such action or matter.~~

~~(b) Answer Day; Service. The court or justice shall in said writ designate the answer day and direct the manner of service thereof; provided, however, the day fixed for the answer of the court or judge thereof and party to whom it is directed shall not be less than twenty (20) days after service shall be made; and provided, further, such service shall be by copy of the writ.~~

~~(c) Answer by Judge. To the writ issued in accordance with this rule, an answer shall be made by the court or judge thereof; provided, however, in lieu of such answer the court or judge thereof may by motion question the sufficiency of the petition filed, subject to the rules of pleading governing other proceedings under the Code of Civil Procedure (Title 1).~~

~~(d) Adoption of Answer; Reply. If the party in whose favor the proceedings were taken, or are about to be taken, shall by an instrument in writing, to be signed by him or his attorney, and annexed to such answer or other pleading, adopt the same answer or pleading and rely upon the matters therein contained as sufficient cause why such court or judge thereof should not be restrained as mentioned in said writ, such party shall thenceforth be deemed a defendant in such proceedings; and the person prosecuting such writ may take issue by reply or motion to the matters so relied upon by such defendant, or set up in the answer of the court or judge thereof.~~

~~(e) Hearing. Upon the filing of the answer of the court or judge thereof, this court shall may set a day for the hearing of the application for a writ of absolute prohibition, and also fix a day for pleading to such answer, if such pleading is not already filed. Upon such hearing all parties may introduce such evidence, by affidavits, original files of the trial court or otherwise, as they may desire or as may be required by this court.~~

~~(f) Court Order. This court, after hearing the proofs, and allegations of the parties, shall render judgment, either that a writ of prohibition absolute restraining the court or judge and party from proceeding in such action or matter do issue, or that such writ be denied, and may make and enforce such order in relation to costs and charges as may be deemed just.~~

Rule 5. Admission of attorneys to bar.

Rule 6. Criminal arraignment proceedings in district court.

~~The entire proceedings upon all criminal arraignments in the district court shall be stenographically reported by the official court reporter, promptly transcribed and certified by him as being true and correct in all particulars, and then filed with the clerk of the district court as a part of the record in case.~~

Rule 7. ~~Multiple court districts.~~

~~— (a) Judges in a multiple court district, within forty five (45) days after the effective date of this rule, may:~~

~~— (1) Select one (1) of their number to act as coordinator, with responsibility for administration in the district; and~~

~~— (2) Adopt rules and formats governing working arrangements, including assignment and disposition of cases, which shall be effective upon approval of the Supreme Court.~~

~~— (b) If a coordinator is not selected or rules adopted as provided herein, the Supreme Court will designate one (1) of the judges of the district to act as coordinator and will adopt such rules as it may consider proper.~~

~~— (c) The judges in any multiple court district may at any time:~~

~~— (1) Present to the Supreme Court amendments to existing rules; and~~

~~— (2) Change their selection of coordinator.~~

Rule 8. ~~Filing and service of documents by facsimile transmission.~~

~~— (a) Any document, except as noted below, which may be filed and/or served under any of the rules appearing in this volume, may be filed with the court and/or served by facsimile transmission.~~

~~— (b) No documents shall be transmitted to the supreme court for filing without prior telephonic notification to the clerk of court. Only under emergency circumstances shall documents be filed by facsimile transmission with the court.~~

~~— (c) Documents to be filed by facsimile transmission must be received by the clerk of court no later than 4:30 p.m. on a weekday, which is not a legal holiday, or service shall be deemed made on the following weekday, which is not a legal holiday. All documents filed and/or served by facsimile shall be deemed filed and/or served on the date the facsimile is received by the clerk of court. Computation of time will be the same as contained in the rules of this court, with the exception, that the date of transmission will be considered the date of delivery to all parties concerned and the allowance of time for delivery by mail will not apply.~~

~~— (d) No document which exceeds ten (10) pages in length may be filed or served by facsimile. All format requirements contained in applicable rules must be followed.~~

~~— (e) Proof of service for documents served by facsimile transmission shall state the date and time of service and the facsimile telephone number or identification symbol of the receiving attorney.~~

~~— (f) Any document filed by facsimile transmission which requires a filing fee shall contain a certification that the filing fee was mailed contemporaneously with the facsimile filing. Failure to submit the filing fee in accordance with this provision may result in the filing being declared void.~~

~~— (g) Any document filed and/or served by facsimile transmission must be replaced by a signed or otherwise duly executed original (plus six copies) within twenty four (24) hours of the~~

~~filing and/or service by facsimile. The clerk of court, upon receiving the replacement document(s) shall note its date of actual delivery, but shall show that it was filed on the date the facsimile copy was received.~~

~~(h) Attorneys shall not be required to have a facsimile transmission device. Delivery of facsimile documents is the responsibility of the entity from which they originate and delivery must be made to the clerk of the court where the document is to be filed, or to the office, usual place of business or other appropriate location as provided for in the court rules pertaining to service.~~

~~(i) The supreme court shall not be required to transmit any court documents, including orders, in response to filings made by facsimile transmission. Responses by the court will be mailed/distributed in accordance with applicable court rules.~~

Rule 9. Admission of law professors to bar.

~~(a) Upon application a professor of the University of Wyoming Law School who has been employed as a professor by such university on a full-time basis for at least two (2) complete scholastic years may apply for admission to practice law in the State of Wyoming without examination by the State Board of Law Examiners.~~

~~(b) Applicants under this rule shall be graduates of a law school provisionally or fully approved by the American Bar Association at the time of such applicant's graduation. All applicants under this rule shall be required to submit proof of his or her admission by examination to the bar of another state. Applicants shall be required to pay the fee required by law and to file an application with the board containing information relative to his or her educational and professional background and moral character.~~

~~(c) Law professors may make application pursuant to this rule following two (2) years of full-time teaching, provided, however, that such applicant, should he or she discontinue such full-time teaching, shall be required to take and pass the Wyoming bar examination.~~

~~(d) The board may require such information from any such applicant as it is authorized to require of any applicant not within the exception made by this rule and may make such investigations, conduct such hearings and otherwise process said application as if made pursuant to application for admission without an examination.~~

~~(e) If after such investigation as the board may deem appropriate it concludes that such applicant possesses the moral qualities and the intellectual attainments required of all other applicants for admission to practice law in the State of Wyoming, it shall recommend such applicant for admission to practice and if said recommendation is accepted by the Supreme Court of the State of Wyoming, said applicant shall be admitted to practice and enrolled as a member of the Wyoming State Bar with all of the privileges and rights enjoyed by any member of the Wyoming State Bar admitted pursuant to application and admission by examination. The board may receive and act upon any such application at any time or in its discretion may require that such applications be received and processed by the board at the same time and in the same manner as applications for admission upon examination.~~

Rule 10. Limited practice by clinical law professors.

~~(a) Purpose of Rule. The bench and the bar are primarily responsible for providing competent legal service for all persons, including those unable to pay for these services. This~~

~~rule is adopted as one means to assist practicing attorneys in providing such services and to encourage clinical instruction by the College of Law of the University of Wyoming in trial work of varying kinds.~~

~~—(b) Authorized Activities. A clinical law professor not a member of the Wyoming State Bar but certified pursuant to the provisions of this rule may appear as a lawyer, solely in connection with supervision of a clinical law program approved by the dean and faculty of the College of Law of the University of Wyoming, in any court or before any administrative tribunal in this state on behalf of any person, if the person on whose behalf he is appearing has indicated in writing his consent to that appearance. Such written consent shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.~~

~~—(c) Requirements and Limitations. In order to make an appearance as lawyer pursuant to this rule, the clinical law professor must:~~

~~(1) Be duly employed as a faculty member of the College of Law of the University of Wyoming for the purpose, inter alia, of instructing and supervising a clinical law program approved by the dean and faculty of the law school;~~

~~—(2) Neither ask for nor receive any compensation or remuneration of any kind for his services from the person on whose behalf he renders services; and~~

~~—(3) Certify in writing that he has read and is familiar with the Wyoming Rules of Professional Conduct, the Rules of the Supreme Court of Wyoming, and the Wyoming statutes relating to the conduct of lawyers.~~

~~—(d) Certification.~~

~~—(1) The certification of a clinical law professor by the dean of the College of Law of the University of Wyoming shall, upon approval of the Wyoming Supreme Court, be filed with the clerk of the Supreme Court and with the Wyoming State Bar and shall remain in effect until withdrawn.~~

~~—(2) In the case of a clinical law professor, certification:~~

~~—(A) May be withdrawn by the dean of the College of Law at any time by filing a notice to that effect with the clerk of the Supreme Court who shall forthwith mail copies thereof to the clinical law professor. It is not necessary that the notice state the cause for withdrawal;~~

~~—(B) May be terminated by this court at any time without cause and without notice or hearing. Notice of the termination shall be filed with the clerk of the Supreme Court and with the Wyoming State Bar; and~~

~~—(C) Shall in no way be considered as an advantage or a disadvantage to the professor in an application for admission to the Wyoming State Bar.~~

~~—(3) The procedures otherwise provided by law or court rules governing the discipline of lawyers shall not be applicable to the termination of the certification of a clinical law professor pursuant to this rule. Termination of certification shall be without prejudice to the privilege of the professor to make application for admission to practice law if he is in all other respects qualified for such admission.~~

~~—(e) Miscellaneous.~~

~~—(1) To the extent that a professor is engaged in the practice of law under this rule, he shall, for the limited purpose of performing professional services as authorized by this rule, be deemed an active member of the Wyoming State Bar (but not required to pay fees).~~

~~—(2) The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by professors certified under~~

~~the provisions of this rule. All persons participating in a program of instruction pursuant to which a professor is certified under this rule are enjoined not to disclose privileged or confidential communications whether in the implementation of a course of instruction or otherwise.~~