

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

***April Term, A.D. 2019***

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***In the Matter of Amendments to*** )  
***The Wyoming Rules of*** )  
***Appellate Procedure*** )

**ORDER AMENDING RULES 3.05, 7.01 AND 12.07 OF THE  
WYOMING RULES OF APPELLATE PROCEDURE**

**The Permanent Rules Advisory Committee, Appellate Division**, has recommended that the Court amend Rules 3.05, 7.01 and 12.07 of the Wyoming Rules of Appellate Procedure. The Court finds the proposed amendments should be adopted. It is, therefore,

**ORDERED** that the amendments to Rules 3.05, 7.01 and 12.07 of the Wyoming Rules of Appellate Procedure, attached hereto, be and hereby are adopted by the Court to be effective August 1, 2019; and it is further

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

**DATED** this 30<sup>th</sup> day of April, 2019.

**BY THE COURT:**

/s/

**MICHAEL K. DAVIS**  
**Chief Justice**

## Wyoming Rules of Appellate Procedure

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### Rule 3.05. Designation, transmission and retention of record.

(a) Within three working days after the record has been completed (or as otherwise arranged with the clerk of the appellate court), the clerk of the trial court shall advise the clerk of the appellate court in writing that the record has been completed and certified in accordance with these rules, reciting that:

(1) Each page of original papers ~~in a file~~ has been numbered in accordance with Rule 3.05(h) and an index ~~of the papers~~ has been prepared. The index shall contain the name of the filing, the date filed and the page number(s). The clerk of the trial court shall provide copies of the index to the clerk of the appellate court and to the parties;

(2) The transcript or parts ordered for inclusion and necessary exhibits, have been filed or notice that no transcript was created or ordered;

(3) Notification that the trial court has approved a statement of evidence pursuant to Rule 3.03 or an agreed statement pursuant to Rule 3.08- ;

(4) The date the notice of appeal was filed in the trial court and, if applicable, the filing date of a cross appeal.

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(f) After all ~~of the~~ briefs have been filed, the clerk of the appellate court shall request that the clerk of the trial court transmit the ~~designated portions of the~~ unredacted designated record within five working days. The ~~record papers~~ transmitted record to the appellate court by the clerk of the ~~trial court~~ shall be securely fastened, in an orderly manner, in one or more ~~volumes~~ sturdy folders consisting of no more than 250 pages per ~~volume~~ folder, with pages numbered and with a cover page bearing the title of the case, ~~and containing the designation "Transmitted Record,"~~ followed by a complete index of ~~all papers~~ the record. The transmitted record on appeal shall be organized as follows:

(1) ~~The~~ Designated pleadings and any attachments to pleadings. Attachments, including those called "exhibits," shall not be removed or separated from the pleadings;

(2) Transcripts, Statement of the Evidence or Agreed Statement and if appropriate, depositions. Individual volumes of transcripts may be combined in one or more folders;

(3) Confidential file. Confidential documents, including Presentence Investigation Reports shall be in a separate folder(s);

(4) Designated exhibits. — ~~Individual volumes of transcripts may be combined in an expanding folder. Confidential documents, including Presentence Investigation Reports shall be in a separate volume(s). The clerk of the trial court shall append a certificate identifying the papers with reasonable definiteness.~~ Documents and exhibits of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless so directed by the clerk of the appellate court. A party must make advance arrangements with the clerks of both courts for the transportation to and from the appellate court of documents and exhibits of unusual bulk or weight.

(g) The clerk of the trial court shall append a certificate identifying the papers with reasonable definiteness;

(h) Pagination. Each page of the record, excluding transcripts, exhibits and documents contained within a separate confidential file, shall bear a handwritten or bates number in the lower

right-hand corner of the page. The record should not be renumbered for subsequent appeals. Numbering should be continuous from any prior appeal;

~~(g)~~ (i) If the appellate court enters an order that the record not be retained by the clerk of the trial court, the clerk of the trial court shall transmit that record to the appellate court in accordance with these rules.

~~(h)~~ (j) If appellant/petitioner fails to designate portions of the record or designates the entire record in a civil appeal, the clerk of the trial court shall promptly notify the clerk of the appellate court.

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### **Rule 7.01. Brief of appellant.**

The brief of appellant shall contain under appropriate headings and in the order indicated:

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(f) A statement of the case, presented in any efficient order, identifying the nature of the case, setting out the facts relevant to the issues presented for review, describing the relevant procedural history, and identifying the rulings presented for review, with citations to ~~the page numbers in the designated record on appeal-~~ as paginated in accordance with Rule 3.05(h). Citations to the designated record shall not contain volume numbers;

(g) An argument (which may be preceded by a summary) setting forth:

(1) Appellant's contentions with respect to the issues presented and the reasons therefor, with citations to the authorities, statutes and ~~parts~~ pages of the designated record on appeal relied on; and

(2) For each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues); :

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### **Rule 12.07. Record.**

(a) Within 60 days after the service of petition, or within the time allowed by the reviewing court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceedings under review and a separate letter of transmittal marked for the personal attention of the judge or judges of the reviewing court.

(1) The record ~~papers~~ shall be securely fastened, in an orderly manner, in one or more ~~volumes~~ sturdy folders consisting of no more than 250 pages per ~~volume~~ folder, with pages sequentially numbered, ~~with a "redback" or other sturdy cover bearing~~ Each folder shall bear the title of the case, and containing the designation "Transmitted Record," followed by a complete index of ~~all papers the record-~~ ;

(2) Transcripts shall be in a separate folder(s). ~~with the designation "Transcripts";~~ Individual transcript volumes may be combined in one or more folders;

(3) Exhibits considered by the agency shall be ~~compiled with the designation, "Exhibits."~~ in a separate folder(s).

The agency shall provide copies of the index to the reviewing court and to the parties. Concurrently with transmitting the record, the agency shall serve notice of the transmittal on all parties.

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