

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2021

In the Matter of the Extension to April 15, 2022)
of the Wyoming Supreme Court's Emergency)
Orders Regarding COVID-19 Pandemic)

**ORDER AMENDING AND EXTENDING COVID-19 EMERGENCY ORDER
ADOPTING PROCEDURES FOR REMOTE ADMINISTRATION OF
OATHS AND WITNESSES, VERIFICATION OF GUILTY PLEAS,
AND FOR PAPER FILINGS TO APRIL 15, 2022**

This matter came before the Court on its own motion. The Wyoming Supreme Court entered its March 26, 2020 COVID-19 Emergency Order Adopting Procedures for Remote Administration of Oaths and Witnesses, Verification of Guilty Pleas, and for Paper Filings. It extended those Orders in response to continuing demands. Now, in light of the nationwide and statewide continuation of public health restrictions to respond to the COVID-19 pandemic, the Wyoming Supreme Court, under Article V, Section 2 of the Wyoming Constitution, in the exercise of its inherent powers, enters this Order to amend the March 26, 2020 Order to delete Paragraph 4 of that Order as it is no longer necessary since W.R.C.P. 5(e) has been amended; and to extend the duration of the Order, which shall remain in effect until April 15, 2022. To eliminate the need for reference to the prior orders, the entire current Order is set forth below. The Court hereby **ORDERS:**

1. Wyoming Rule of Civil Procedure 30(b)(4) currently provides that parties may stipulate to have depositions taken by remote means, and W.R.C.P. 30(b)(5) provides that parties may stipulate that depositions need not be taken “before” a court reporter. While this Emergency Order is in place, the burden will be on the non-stipulating party to demonstrate that the failure to stipulate to conducting a deposition in this manner was made in good faith; and, if a court finds that such failure was not in good faith, it will impose costs and fees for any motion arising from that failure upon the non-stipulating party. Reasonable provisions for ensuring the integrity of the process, including identifying the witness and ensuring that the court reporter and attorneys can see and/or hear the witness shall be made.
2. A defendant’s signature on a plea of guilty pursuant to W.R.Cr.P. 32(b) or 43(c) need not be notarized, so long as the judge taking the plea is satisfied that sufficient procedural

safeguards are in place to ensure, among other things, that the person signing the plea is in fact the defendant.

3. (a) Witnesses may witness a testator's will signing pursuant to Wyo. Stat. Ann. § 2-6-112 remotely, by audio-video means shared simultaneously by the testator and the witnesses. The witnesses' original signatures of attestation shall be promptly mailed to the testator or his or her attorney or representative. Witnesses to Advance Health Care Directives pursuant to Wyo. Stat. Ann. § 35-22-403; Revocation of Advance Health Care Directives pursuant to Wyo. Stat. Ann. § 35-22-404; and Revocation of POLST forms pursuant to Wyo. Stat. Ann. § 35-22-508, may be conducted in the same manner.
(b) An officer authorized to administer oaths for self-proving wills pursuant to Wyo. Stat. Ann. § 2-6-114 may administer the testator's acknowledgment and the witnesses' affidavits by audio-video means, if the witnesses, the testator, and the officer are all using a shared audio-video means (or two or more of them are in each other's physical presence and are joining the remaining persons by audio-video means), and the officer has complied with the Wyoming Secretary of State's *Guidance on Temporary Remote Online Notarization* <http://soswy.state.wy.us/Services/Docs/Guidance-on-Temporary-Remote-Online-Notarization.pdf>.

The Court will review this Order no later than April 15, 2022 to determine whether it should be extended or vacated as circumstances require. Nothing in this order is intended to preclude judges from implementing additional restrictions as needed. This order shall be in effect until modified by further order of this Court.

DATED this 13th day of December, 2021.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice