

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2022

In the Matter of Adoption of the)
Wyoming Rules for)
Electronic Filing and Service in)
District Courts)

**ORDER ADOPTING THE WYOMING RULES FOR
ELECTRONIC FILING AND SERVICE IN DISTRICT COURTS**

The Wyoming Supreme Court, on its own motion, finds it should adopt the Wyoming Rules for Electronic Filing and Service in District Courts. It is, therefore,

ORDERED that the Wyoming Rules for Electronic Filing and Service in District Courts, attached hereto, are hereby adopted by the Court to be effective August 29, 2022; and it is further

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

DATED this 28th day of June, 2022.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice

Wyoming Rules for Electronic Filing and Service in District Courts

Rule 1. Purpose and scope of rules.

(a) Purpose. – These rules establish the procedure for electronic filing and service of all documents in the Wyoming district courts using the Electronic Filing System (EFS) for attorneys, and attorneys’ staff. The EFS is not presently available to pro se litigants, who may continue to use Traditional Filing.

(b) Scope. –

(1) These rules, which will be known as the “Wyoming Rules for Electronic Filing and Service in District Courts,” govern the electronic filing and service of documents in Wyoming district courts. These rules supersede other Wyoming district court procedural rules in such matters as electronic filing and service, and in case of any conflict between these rules and other court rules or statutes, these rules shall prevail. These rules do not supersede the Wyoming Supreme Court Electronic Filing Administrative Policies and Procedures Manual or the Wyoming Chancery Court Electronic Filing Administrative Policies and Procedures Manual.

(2) No district court may establish eFiling rules applicable only in that court.

(3) These rules take effect August 29, 2022.

Rule 2. Definitions.

(a) The following definitions shall apply:

(1) “Business Day” means Monday through Friday 8:00 am to 5:00 pm Mountain Time, excluding official state holiday closures and other court closures.

(2) “Case Management System” means an electronic system that houses court records and manages the coordination of court processes and resources from filing to disposition.

(3) “Electronically File” or “eFile” means uploading a document directly to the electronic filing system to file that document in the district court’s Case Management System.

(4) “Electronically Serve” or “eServe” means uploading a document directly to the electronic filing system to electronically serve that document on parties in a case.

(5) “Electronic Filing System” or “EFS” means the web-based user interface system provided by the Wyoming Supreme Court for Registered Users to electronically submit documents and serve parties in district court matters.

(6) “Filer” or “Registered User” means an individual who has registered to use the EFS pursuant to Section IV b. and has obtained a unique username and password to eFile and eServe documents in district court matters via the EFS.

(7) “In Camera” means a confidentiality designation for an eFiled document limiting access to the document to the Filer and the judge assigned to the case.

(8) “Notice of Electronic Filing” or “NEF” means a courtesy notice generated by the EFS and delivered to the Registered User’s email that a document has been submitted or accepted through the EFS.

(9) “Online Inbox” means a Registered User’s online inbox accessible via the EFS.

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

(11) “Public” means a designation for an eFiled document providing full access to the document.

(12) “Sealed” means a confidentiality designation for an eFiled document limiting access

to the document to the Filer, parties to the case, court personnel, and the judge assigned to the case.

(13) “Technical Error” means a malfunction of the EFS or district court hardware, software, or telecommunications facility that prevents a Registered User from eFiling or eServing a document which is verified by File & ServeXpress. It does not include failure of a Registered User’s equipment, software, hardware, telecommunications facility, internet service, or any other failure attributed to the Registered User.

(14) “Traditional Filing” means submitting a filing to the clerk’s office in paper or other tangible form.

Rule 3. Official Court Record.

(a) The official court record for a case filed or maintained in accordance with these rules is the electronic case file maintained by the clerk’s office in the Case Management System, as well as any Traditional Filings maintained by the clerk in accordance with these rules.

(b) If a clerk digitizes, records, scans or otherwise reproduces a Traditionally Filed document, the official court record of the document is the electronic record housed in the Case Management System.

(c) Certified and exemplified copies of electronically filed documents may be obtained from the Clerk by requesting a copy in person or mailing the request to the clerk. Each request must designate the case number and document by title. Requests submitted by mail must include a self-addressed, stamped return envelope and the applicable fee. The fee for copied, certified, and exemplified documents is provided by the Rules for Fees and Costs for District Courts.

Rule 4. Electronic and filing eligibility, registration and user requirements.

(a) Eligibility. – Persons identified below may eFile and eServe documents upon compliance with subsection (b) of this Section.

(1) Wyoming licensed attorneys; and

(2) Wyoming licensed attorneys’ designated staff. Attorneys will be responsible for non-attorney conduct according to the Rules of Professional Conduct for Attorneys at Law, 5.3.

(b) Registration. – To access and use the EFS, a filing party shall:

(1) Complete training on the EFS;

(2) Pass an eFiling proficiency exam;

(3) Register for access to the EFS;

(4) Comply with, and agree to be bound by, the terms of service when using the EFS;

(5) Comply with the Wyoming Rules for Electronic Filing and Service, Rules Governing Redaction from Court Records, Wyoming Rules Governing Access to Court Records and all other applicable filing rules;

(6) Maintain one or more working email address(es) at which the Filer agrees to accept email notifications of filings and other EFS information; and

(7) Provide all information necessary to ensure filing fees may be paid through the EFS.

(c) User requirements. –

(1) Each eligible person who completes registration as set forth in subsection (b) of this Section, will be issued one username and password. Each Registered User is responsible for all documents filed under his or her unique username and password. Registered attorneys are

responsible for the filings of their staff in accordance with Rule 5.3 of the Rules of Professional Conduct for Attorneys at Law. If a Registered User believes the security of his or her password has been compromised, the Registered User must change the password and immediately notify the Wyoming Supreme Court.

(2) Registration in accordance with subsection (b) of this Section constitutes consent to receive electronic notifications and service.

(3) Registered Users shall not opt out of receiving NEFs.

Rule 5. Filing and service of electronic documents.

(a) eFiling. –

(1) All documents may be eFiled except:

(A) A document or image that is prohibited from electronic storage by federal or state law, including but not limited to, sexually explicit images of a minor;

(B) A non-paper or oversized exhibit;

(C) Any document or thing that cannot be scanned or otherwise converted to a .pdf;

(D) Original wills filed for the first time in a matter;

(E) Warrants, not including bench and arrest warrants requested or issued in a filed case; and

(F) Grand Jury Materials.

(2) Filers will Traditionally File all case-initiating documents until the EFS accommodates the Electronic Filing of initial filings.

(3) Unless an original document is required as set forth by state statute or court rule, the clerk shall digitize, record, scan, or otherwise reproduce a document that is Traditionally Filed into an electronic record, document, or image. A physical document that has been converted into an electronic record, document, or image may be destroyed at the discretion of the clerk.

(4) Documents filed electronically shall not be subsequently Traditionally Filed.

(b) Time of eFilings. –

(1) A “day” begins at 12:00 a.m. (Mountain Time) and ends at 11:59:59 p.m. (Mountain Time).

(2) A document is deemed filed upon submission to the EFS.

(3) The EFS will affix the date and time of submission upon the filed document. Questions of timeliness will be resolved by the date and time affixed to the eFiling by the EFS.

(c) Quality control. –

(1) Filings which fail to comply with the provisions of these rules may be removed from the court record by the clerk within three (3) Business Days of filing.

(2) Filings which fail to comply with provisions of these rules may be stricken from the court record by the Judge after three (3) Business Days of filing.

(3) In the event a filing is stricken or removed from the court record, the clerk shall remove the stricken filing from the record and enter a docket entry that reads, “Disregard. Filing stricken.” The clerk shall notify the parties when a filing is stricken or removed from the court record.

(4) Filings that are stricken or removed from the court record and refiled may relate back to the date of the stricken filing at the discretion of the Judge.

(5) Documents filed with the incorrect case number, case type, or document type may be

changed by the clerk without approval by the Filer. In the event the clerk changes a filing in accordance with this subsection, the clerk shall provide notice to the Filer.

(6) Neither the clerk nor the Judge is required to review eFiled documents, nor are they responsible for ensuring compliance with the Wyoming Rules Governing Redactions from Court Records or the Wyoming Rules Governing Access to Court Records. The authorizing attorney is responsible for ensuring compliance with all applicable court rules and statutes.

(d) eService. –

(1) A party who electronically appears in an action by filing a document through the EFS, is deemed to have given consent to accept electronic service of any document filed in the action, except for any document that requires personal service pursuant to Wyoming court rules. A party who has not electronically appeared in an action shall be served outside the electronic filing system consistent with the Wyoming Rules of Civil and Criminal Procedure.

(2) A Filer who is dismissed as a party from an action or withdraws as an attorney of record in an action has withdrawn consent to electronic service in that specific action.

(3) Time and completion of service.

(A) When a Registered User eServes a document, the EFS will generate a notification to the Online Inbox of the parties served if they are Registered Users who have appeared in the action. Generation of the notice in the Online Inbox of the Registered User constitutes service, and paper service is unnecessary.

(B) All NEFs are considered a courtesy. NEFs shall not constitute service and are provided solely as a convenience.

(C) Filers are responsible for traditionally serving parties if they are not Registered Users of the EFS.

(4) Discovery documents may be served through the EFS's "serve only" function, but shall not be filed with the court.

Rule 6. Format requirements.

(a) Electronic format and size. –

(1) A document submitted electronically to the court should be directly converted to .pdf rather than scanned when feasible to make the document searchable. The size of any eFiled document must not exceed 10 megabytes. A document that exceeds the size limit must be broken down and submitted as separate files that do not exceed 10 megabytes each and 50 megabytes per transaction. Separate files under this subsection must include in the "Note to Clerk" field for each submission a description that clearly identifies the part of the document that the file represents, for example, "Motion for Summary Judgment, part 1 of 2."

(2) Each eFiled document must be formatted in accordance with all applicable rules governing formatting of paper documents. Before conversion to .pdf, each document must:

(A) Be 8 ½" by 11" in its original form, and any attachments or appendices that are larger or smaller, should be reduced or enlarged to 8 ½" by 11";

(B) Have a font of not less than 12-point; and

(C) Be clearly legible.

(3) A document that is not an attachment or exhibit must not be embedded inside another .pdf. For instance, a precept for summons, a summons, and a complaint should not be combined and eFiled as one .pdf. Yet, a document that is an exhibit to a motion may be filed together with the motion as one combined .pdf.

(4) Filers must leave a blank 3-inch by 3-inch space at the top right-hand corner of the first page of each eFiled document for use by the EFS and clerk.

(5) All eFiled documents relating to a single pleading or document submitted in the same electronic transaction shall be "electronically stapled" using the "main" and "supporting" functionality of the EFS so multiple related documents, such as a motion and proposed order, are linked logically together and identified as a single transaction.

(b) Proposed order. –

(1) Proposed orders filed for the consideration of the presiding judge shall be filed in an editable Microsoft Word document format.

(2) Proposed orders shall have a blank header that extends at least 2-inches from the top of the first page.

(3) A proposed order shall not be file-stamped until it becomes a final order signed by the judge.

(c) Electronic signatures. –

(1) A document may be electronically signed by:

(A) Inserting a digital image of the signing party's handwritten signature into the document; or

(B) Using signature block that includes the typed name of the individual preceded by a "/s/" in the space where the signature would otherwise appear. An example of a signature block with "/s/" is:

/s/ John Q. Smith
JOHN Q. SMITH

(2) By submitting a document through the EFS, the attorney is certifying compliance with the Wyoming Rules of Civil Procedure, Rule 11. Signing Pleadings, Motions, and Other Papers: Representations to the Court; Sanctions.

Rule 7. Technical errors.

(a) A Filer may obtain relief if a Technical Error prevents the EFS from receiving an eFiling.

(b) Upon satisfactory proof of such an occurrence, the court shall permit the filing date of the document to relate back to the date the Filer first attempted to submit to the EFS.

(c) When a Technical Error occurs, the court may, in its discretion, adjust the time for responsive pleadings, continue court hearings, or provide other relief as necessary.

(d) To obtain relief under this Section, a Filer must file a motion and proposed order with the court within one business day after the Technical Error is resolved. The motion must include:

(1) The date of the original attempted submission;

(2) The date the Filer was notified the submission was not successful;

(3) An explanation of the reason for requesting that the date of filing relate back to the original submission; and

(4) Supporting exhibits that substantiate the Technical Error.

(e) Registered Users should direct technical and operational questions about the EFS and requests for documentation substantiating Technical Errors to File & ServeXpress at its toll-free number 1-888-529-7587, or via email at support@fileandserve.com.

Rule 8. Privacy protections.

(a) It is the responsibility of the Filer to ensure that protected personal data identifiers are omitted or redacted from documents in compliance with the Rules Governing Redactions from Court Records and Rules Governing Access to Court Records.

(b) When the Rules Governing Redactions from Court Records or the Rules Governing Access to Court Records require a Filer to file both a redacted and unredacted version of a document, the Filer should eFile:

- (1) A redacted version designated as Public in the EFS; and
- (2) An unredacted version designated as Sealed in the EFS.

Rule 9. Transcripts.

(a) Court reporters may eFile transcripts. When eFiling a transcript, the court reporter shall:

(1) eFile the transcript using the “file only” functionality in the EFS and designate the document as In Camera to ensure access by chambers, but prevent access to the transcript through the EFS by parties or the public without purchase; and

(2) eFile and eServe on all parties who have electronically appeared in the action a “Notice of Filing Transcript” containing the court reporter’s contact information and instructions for purchasing the transcript.

(b) Notwithstanding the In Camera designation in the EFS, all non-confidential and redacted transcripts shall be available for purchase from the court reporter and available for viewing at the public access terminals within the courthouse, after appropriate redactions if needed.

Rule 10. Judicial discretion.

Judges may use their discretion when appropriate to provide relief for Electronic Filing and Electronic Service errors where good cause is shown.

Rule 11. Sanctions.

At the discretion of the court, the failure of any Filer to comply with these rules, the Rules Governing Redactions from Court Records, and the Rules Governing Access to Court Records may result in:

- (a) Reprimand;
- (b) Monetary sanctions;
- (c) Striking of eFiling documents;
- (d) Costs; and
- (e) Other sanctions.
