

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2022

***In the Matter of Adoption of
Temporary Rules for Electronic
Document Management in
Campbell County Circuit Court***

ORDER ADOPTING TEMPORARY RULES FOR ELECTRONIC DOCUMENT MANAGEMENT IN CAMPBELL COUNTY CIRCUIT COURT

The Digital Records Pilot Project Working Group has recommended the Court adopt Temporary Rules for Electronic Document Management in Campbell County Circuit Court. This Court finds the proposed rules should be adopted. It is, therefore,

ORDERED that the proposed Temporary Rules for Electronic Document Management in Campbell County Circuit Court, attached hereto, are hereby adopted by the Court to be effective April 1, 2023, to April 30, 2026; 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 24th day of January, 2023.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice

Temporary Rules for Electronic Document Management in Campbell County Circuit Court

Rule 1. Purpose.

The Wyoming Supreme Court has authorized the Circuit Court of the Sixth Judicial District (Campbell County) to implement a digital records pilot project. The purpose of the pilot project is to test the feasibility of circuit court clerks maintaining an electronic record instead of their current practice of maintaining both an electronic record and traditional paper record. If this pilot project proves successful at eliminating redundancy, preserving court resources, and ensuring uniform document management, the Wyoming Supreme Court may consider making broader and more permanent changes to recordkeeping practices in all circuit courts. For now, these rules will govern the digital records pilot project in Campbell County Circuit Court.

Rule 2. Applicability & Scope of Rules.

- (a) These rules shall be known as the “*Temporary Rules for Electronic Document Management in Campbell County Circuit Court*,” and shall be applicable only to the Circuit Court of the Sixth Judicial District, Campbell County.
- (b) These rules shall be effective from April 1, 2023, to April 30, 2026.
- (c) These rules supersede other rules which are in conflict with these rules.

Rule 3. Authority.

- (a) The Wyoming Supreme Court has general superintending control over all inferior courts, including the authority to prescribe rules of practices and procedure in those courts. Wyo. Const. Art. 5, § 2.
- (b) The Wyoming Supreme Court has management and supervisory authority over the Circuit Courts. Wyo. Stat. Ann. § 5-9-107.
- (c) The Wyoming Supreme Court may establish procedures for the effective and expeditious administration of the business of the Circuit Courts. Wyo. Stat. Ann. § 5-9-107.

Rule 4. Definitions.

- (a) The following definitions shall apply:
 - (1) “Case Management System” means an electronic system that houses court records and manages the coordination of court processes and resources from filing to disposition. This system is known as Full Court Enterprise in the Wyoming Circuit Courts.
 - (2) “Judicial Officer” means a justice, judge, or magistrate authorized to preside over a court proceeding.
 - (3) “Material Alteration” means a change to, addition to, or deletion from a filing that changes the meaning of the filing or affects the rights and obligations of any party. The term does not encompass the clerk removing or concealing barcodes affixed to a document by a filer for internal tracking purposes.
 - (4) “Traditionally Filed Document” means submitting a filing to the clerk’s office in paper or other tangible form.

Rule 5. Official Court Record.

- (a) The official court record for a case filed or maintained in accordance with these rules is the

electronic record maintained by the clerk in the Case Management System, as well as any Traditionally Filed Documents maintained by the clerk under Rule 8.

(b) Certified and exemplified copies of the official court record 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 Circuit Courts*.

Rule 6. In General.

(a) Once a Traditionally Filed Document is submitted to the clerk, the clerk shall digitize, record, scan, or otherwise reproduce the Traditionally Filed Document into an electronic record, document, or image, and upload the electronic record, document, or image into the Case Management System.

(b) If a Traditionally Filed Document that is exempt from electronic storage under Rule 8 is submitted to the clerk, the clerk shall maintain that document in its original form.

Rule 7. Verification of Image Quality and Document Retrievability.

(a) The clerk must ensure the content of the Traditionally Filed Document is not altered in any way when converted to electronic form. The appearance of the document when displayed or printed from the Case Management System must closely resemble the Traditionally Filed Document without any Material Alteration.

(b) The clerk must ensure records can be accurately retrieved from the Case Management System before destroying any Traditionally Filed Documents under Rule 10.

(c) Unretrievable records must be rescanned and reindexed until they prove to be accurately retrievable from the Case Management System.

Rule 8. Exception to Electronic Storage.

(a) Because the following Traditionally Filed Documents may not be electronically stored, the clerk shall not scan or store them in the Case Management System, but shall retain them in their original format:

(1) 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;

(2) A non-paper or oversized exhibit or document that cannot be scanned effectively; and
A document that is not of sufficient graphical quality to be legible when electronically scanned.

(b) The official court record for these documents will be the original Traditionally Filed Document.

Rule 9. Document Retained in Original Form.

(a) The following Traditionally Filed Documents should be retained by the clerk after an electronic copy is scanned and stored as part of the Case Management System:

(1) Documents where the party has requested the return of the original document (e.g., original contract, ceremonial document) filed with the clerk's office; and

(2) Any document or item designated in writing by a judge to be inappropriate for destruction because the original document or item has evidentiary, historic, or other intrinsic value.

(b) The official court record for these documents will be the electronic copy housed in the Case Management System.

Rule 10. Disposition of Paper Documents.

- (a) If a clerk has verified scan image quality and retrievability under Rule 7, the clerk may destroy a Traditionally Filed Document 45 calendar days after its entry in the Case Management System.
- (b) This Rule 10 shall not apply to documents listed in Rule 8 and Rule 9. Disposition of those documents shall follow the *Wyoming Circuit Court Retention Schedule*.

Rule 11. Distribution by Electronic Means.

- (a) To the extent reasonably practicable, the clerk shall distribute through electronic means all documents and communications that are part of the official court record, including orders, writs, and other documents entered or issued by the court.
- (b) The Court shall use the email address provided by the Wyoming Bar for Wyoming licensed attorneys. It is the responsibility of each attorney to ensure their correct email address is provided to the Wyoming Bar.
- (c) Other individuals or entities who would like to receive distribution by electronic means shall provide the Court with a working email address. It is the responsibility of the individual or entity to ensure the Court has the correct email address.
- (d) If an individual or entity requests paper copies of the file, the clerk shall provide the individual or entity with a paper record matching the official court record. The individual or entity shall pay the applicable fees as provided in the *Rules for Fees and Costs for Circuit Court*.

Rule 12. Electronic Signature.

A document may be electronically signed by a Judicial Officer by:

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

Rule 13. Transition to Official Court Record Within the Case Management System.

For all cases initiated before April 1, 2023, the clerk will maintain a paper file which shall be the official court record. For all cases initiated after April 1, 2023, the court shall maintain an electronic court record in accordance with these rules and that record shall be the Official Court Record.

Rule 14. Citation.

These rules shall be known as *Temporary Rules for Electronic Document Management in Campbell County Circuit Court*. These rules shall be cited as R. Elec. Doc. Mgmt. Campbell Cnty. Cir. Ct.
