

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2024

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

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

The eFiling Committee and the Wyoming Judicial Council have recommended the Wyoming Supreme Court amend the Wyoming Rules for Electronic Filing and Service in District Courts. This Court finds the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to the Wyoming Rules for Electronic Filing and Service in District Courts, attached hereto, be and hereby are adopted by the Court to be effective July 1, 2024; and it is further

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

DATED this 30th day of April, 2024.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice

Wyoming Rules for Electronic Filing and Service in District Courts

Rule 5. Filing and service of electronic documents.

(a) *eFiling*. —

(1) All documents may be eFiled Ninety (90) days after implementation of eFiling in a court; or, for courts that have previously adopted eFiling, ninety (90) days after the effective date of this rule, all filings by attorneys eligible to eFile pursuant to Rule 4(a) must be filed electronically through the EFS, except:

(A) When the court finds exceptional cause exists to allow a document to be Traditionally Filed;

(B) When the attorney is representing a person or entity who is not a party to the case, i.e., intervenor, amicus, witness, etc;

~~(A)~~ (C) 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)~~ (D) A non-paper or oversized exhibit;

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

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

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

~~(F)~~ (H) Grand Jury Materials.

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

(2) Unless otherwise ordered, when a party eligible to eFile pursuant to Rule 4(a), Traditionally Files a document in accordance with subsection (1), the Filer must eFile notice of the Traditional Filing, and eServe all Registered Users with such notice.

(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.

Rule 6. Quality control.

~~(e)~~ (a) *Quality control Non-conforming eFilings*.

(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 or removed filing from the record and, except as stated in subsection (b) and (c), 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 or removed filing at the discretion of the Judge.

(b) Duplicate eFilings. Notwithstanding Rule 6(a), duplicate eFilings may be removed from the court record by the clerk at any time. In the event a duplicate filing is removed, the clerk shall not include a docket entry that reads, “Disregard. Filing stricken.”

~~(5)(c)~~ eFiling Errors. 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)(d)~~ Compliance Responsibility. Neither the clerk nor the Judge is required to review eFiled documents, nor are they responsible for ensuring compliance with the Wyoming Rules Governing Access to Case Records. The authorizing attorney is responsible for ensuring compliance with all applicable court rules and statutes.

Rule 7. Electronic service of documents.

~~(d)~~ eService.—

~~(1)(a)~~ 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)(b)~~ 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)(c)~~ Time and completion of service.

~~(A)(1)~~ 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)(2)~~ All NEFs are considered a courtesy. NEFs shall not constitute service and are provided solely as a convenience.

~~(C)(3)~~ Filers are responsible for traditionally serving parties if they are not Registered Users of the EFS.

~~(4)(d)~~ Discovery documents may be served through the EFS’s “serve only” function, but shall not be filed with the court.

Rule 68. Format requirements.

Rule 79. Technical errors.

Rule 810. Privacy protections.

Rule ~~9~~11. Transcripts.

Rule ~~10~~12. Judicial discretion.

Rule ~~11~~13. Sanctions.
