

RULES OF THE SUPREME COURT OF WYOMING

Rule

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IN THE SUPREME COURT, STATE OF WYOMING

APRIL TERM, A.D. 2022

IN THE MATTER OF THE)
CONTINUITY OF OPERATIONS PLAN OF) General Order 22-01
THE WYOMING SUPREME COURT)

ORDER OF APPOINTMENT UPON INCAPACITY OF SITTING WYOMING SUPREME COURT JUSTICES

THIS MATTER came before the Court upon its own motion in the preparation of its Continuity of Operations Plan, to prepare for the remote possibility that all Justices of the Wyoming Supreme Court are rendered unable to serve by death or disability; and recognizing the critical importance of continuing the function of the Wyoming Supreme Court and the Wyoming Judicial Branch; it is therefore

ORDERED that, if no sitting justice is available to serve, due to death or disability, then the Chair of the Wyoming District Court Judges’ Conference shall be assigned to act in all matters to the extent that the Chief Justice of the Wyoming Supreme Court would have been able to act. If the Chair is unable or unwilling to serve, then the Secretary of the Wyoming District Court Judges’ Conference, shall be assigned. If the Secretary is unable or unwilling to serve, then any Wyoming District Court Judge, still sitting, is assigned to act in the absence or incapacity of the Wyoming Supreme Court Justices.

IT IS FURTHER ORDERED that this order be published in the advance sheets of the Pacific Reporter; the Wyoming Court Rules Volume; and be published online at the Wyoming Judicial Branch’s website, <http://www.courts.state.wy.us>, on the “Court Rules” page. This order shall remain in full force and effect until such time as it may be amended by the Court.

DATED this 17th day of May 2022.

BY THE COURT:

/s/

KATE M. FOX
CHIEF JUSTICE

Note. — The original 1957 Supreme Court Rules were adopted July 2, 1957, and effective December 1, 1957. Rules 4 through 15, 18 through 20 and 24, which provided for hearings (4), oral argument (5), motions (6), cost of record (7), costs in reserved cases (8), costs in other cases (9), withdrawing records (10), correction of errors (11), briefs (12), decisions (13), application for rehearing (14), mandate (15), failure to file on time (18), petition for rein-

statement (19), filings (20) and hearings before a district court (24), have all been abrogated by corresponding rules in the Wyoming Rules of Appellate Procedure. Rule 3 was repealed October 3, 1973, and Rule 22 was repealed March 12, 1973, with the adoption of the Disciplinary Code of the Wyoming State Bar. The remaining Supreme Court Rules have been renumbered consecutively.

Rule 1. Public Sessions; Terms; Business Hours; Open Hearings.

(a) Public sessions of the court during each regular term shall be held at the Supreme Court and Library Building at the capital of Wyoming, commencing at 9:00 a.m., unless otherwise specially ordered in stated cases.

(b) Each term shall be deemed open and continue until the commencement of the next succeeding term.

(c) The court shall be open during all business hours for the filing of papers and documents, the hearing of cases, the rendering of decisions and the making of orders and rules; provided that, unless the court shall order otherwise, all hearings shall be held in open court after such notice to the parties or their counsel as the court shall deem reasonable. Hours for the electronic filing of documents shall be established by the Wyoming Rules of Appellate Procedure.

(d) If a case which has been designated as confidential is to be argued before the Court, before the argument begins, the clerk of court shall ensure that the courtroom has been cleared of all persons who are not parties, counsel for parties, Court staff personnel, or otherwise permitted to attend.

History:

Amended effective January 15, 2015.

Cross references. — As to Supreme Court, see §§ 5-2-101 through 5-2-403. For rules made by Supreme Court having same effect as legislative enactments, see § 5-2-113. For authority

of Supreme Court to adopt, modify and repeal rules and forms governing pleading, practice and procedure in all courts, see §§ 5-2-114 through 5-2-117.

Law reviews. — For article, “Minimum Standards of Judicial Administration in Wyoming,” see V Wyo. L.J. 159.

Rule 2. Clerk of Court.

The clerk of the court shall keep an office at the Supreme Court and Library Building and shall not practice as an attorney or counselor in this or any other court while holding such position. The clerk shall have the custody of the seal and all records (including electronic records), books and papers pertaining to the court and the proceedings therein. The clerk shall keep a record of all proceedings of the court, and for this purpose shall keep a journal, an appearance docket, a roll of the attorneys admitted to practice in the court showing the date of their admission, and records of the filing of applications for admission to the bar and the proceedings thereon. The clerk shall record in the journal as they occur the orders, judgments and other proceedings of the court which are proper to be recorded therein. The clerk shall enter each case upon the appearance docket in the order in which it is commenced or filed, numbering the cases consecutively. At the time of the commencement or filing of a case, the clerk shall enter on the appearance docket the full names of the parties, except in confidential cases, where the parties’ initials should be used. The clerk shall note on the docket the names of counsel then appearing, or shown by the papers on file, and thereafter, whenever they appear, the name or names of other counsel. The clerk shall note under the case so docketed at the time the same occurs the filing of the various papers, the issuance of any

process, the orders made in the case, the fees and taxation of costs, and whenever any fees are paid or advanced the amount and date thereof and the party paying or advancing the same, and such other proceedings, if any, as may be necessary from time to time to show the condition of the case. Whenever a decision is rendered the clerk shall promptly give notice thereof by United States mail, electronic mail, and/or telephone call to an attorney on each side and to the judge who presided over the proceedings subject to review.

History:

Amended December 22, 1965, effective March 22, 1966; amended November 14, 2014, effective January 14, 2015.

Supreme Court during pendency of cause in civil and criminal cases, see §§ 1-13-101 through 1-13-103. As to general powers and duties of clerk of Supreme Court, see §§ 5-2-201 through 5-2-207. As to clerks of court generally, see §§ 5-7-101 through 5-7-107.

Cross references. — As to duties of clerk upon reservation of constitutional question to

Rule 3. Fee Schedule.

The clerk of the Supreme Court shall collect the following fees:

(a) For the docketing of an appeal or any original proceeding, including any matters brought to the supreme court by the certification process or the writ of review, the sum of \$140.00, \$55.00 of which shall be deposited into the judicial systems automation account established by Wyo.Stat. Ann. § 5-2-120, and \$10.00 of which shall be deposited into the indigent civil legal services account established by Wyo.Stat. Ann. § 5-2-121.

(b) The sum of \$5.00 for issuing certified court documents and certification of records.

(c) The sum of \$10.00 for certificates of good standing of attorneys.

(d) The sum of \$.50 per page for reproducing any document, record or other paper.

(e) The sum of \$10.00 for replacement or duplication of admission certificate.

(f) For notary service, fee as set by Wyo.Stat. Ann. § 34-26-302.

History:

Added January 15, 2015; amended June 22, 2017, effective July 1, 2017; amended May 7, 2020, effective July 1, 2020.

Editor's notes. — The June 22, 2017 Order amending rule 3 states in relevant part: "This matter came before the Court on its own motion following review of House Enrolled Act No. 75, which was enacted following the 2017 General

Session of the Wyoming Legislature. Among other things, that Act amended Wyo. Stat. Ann. § 5-2-202, which concerns this Court's collection of fees. This Court finds that Rule 3 of the Rules of the Supreme Court of Wyoming should be amended to reflect the fee increase contained in this legislation, namely a \$15.00 increase in the court automation fee. This Court notes the Act mandates that no state agency is subject to the fee increase until July 1, 2018."

Rule 4. Composition of Court on Rehearing.

Active members of the Court at the time of consideration of a petition for rehearing, and if granted, the rehearing itself shall participate in consideration and decision. If at that time a justice shall be recused, the justice participating in the original decision shall sit, if available.

History:

Added January 15, 2015.

Rule 5. Use of Cameras and Wireless Communication Devices During Proceedings.

(a) Absent express authorization by the Supreme Court, individuals attend-

ing or participating in open court or confidential proceedings shall not use or operate any camera, video recording device, or audio recording device to record, broadcast, or photograph the proceedings.

(b) Except as provided, individuals attending or participating in open court or confidential proceedings shall not use a Wireless Communication Device during the proceedings. Such devices shall be completely turned off and not merely set to “vibrate” or a similar setting.

(c) Wireless Communication Devices are those electronic devices that are capable of wirelessly transmitting voice and/or data including, but not limited to mobile phones, cellular communication devices, personal digital assistants (PDAs), and computers.

(d) Counsel of record during oral argument.

(i) Unless otherwise ordered by the Court, attorneys may use laptop computers that can access the internet at counsel tables during oral argument, provided that the rules prohibiting photography, recording and broadcasting court proceedings are not violated and all audio sounds are muted.

(ii) Attorneys of record may use cell phones, PDAs, and other Wireless Communication Devices at counsel table only with the express permission of the Court.

(e) A violation of this rule may result in the immediate removal of the person. The Court Security Officer or other law enforcement officers acting on the Court’s behalf are authorized to confiscate, seize and inspect Wireless Communication Devices or cameras used, or suspected of being used, in violation of this rule, and/r remove the person suspected to have violated this rule. Seized Wireless Communication Devices or cameras will generally be returned after the conclusion of proceedings or as otherwise directed by the Court.

(f) A violation of this rule may be punished by contempt of court, giving due consideration to the nature of the violation and any history of similar or past violations. A violation that disrupts a Court proceeding may be punished by direct summary contempt proceedings.

(g) Any person who brings a camera or Wireless Communication Device into a Wyoming Supreme Court open court or confidential proceeding shall be deemed to have consented to the terms and conditions of, and to be subject to, this rule.

(h) This rule is not applicable to employees of the Wyoming Supreme Court, including the Clerk of Court, judicial staff and administrative staff.

History:

Added January 15, 2015.

Rule 6. Weapons on Court Premises.

(a) No dangerous weapon may be carried on the Wyoming Supreme Court’s premises, except as provided in this rule. Wyoming Supreme Court Security Offices and Wyoming Highway Patrol Troopers, when acting as Supreme Court Security Officers, are authorized to request that any persons carrying a dangerous weapon on the Supreme Court’s premises relinquish the weapon. The weapon will be secured at the Court Security Office then returned to the person when he/she leaves the Supreme Court’s premises, unless the Court Security Officer or Trooper to whom the weapon was relinquished determines that other law enforcement personnel should be involved. If a person carrying a dangerous weapon refuses to relinquish the weapon, he/she shall be denied access to the Supreme Court premises.

(b) As used in this policy, “dangerous weapon” means a firearm, explosive,

incendiary material, or any other implement or device capable of being used as a deadly weapon, where such implement or device has no reasonable usage related to the conduct of government business.

(c) Nothing in this policy prohibits the carrying of weapons on the Supreme Court premises by Peace Officers, as defined and authorized by Wyoming Statutes, who are acting in an official capacity and who are not parties to a case currently before the Court. Peace Officers entering the Supreme Court Building shall disclose to Court Security Officers or Troopers acting as Court Security Officers, that they are carrying a weapon or weapons into the facility.

(d) Exceptions to this rule may be granted on an individual basis by the Court Security Officer, with the prior concurrence of the Court.

History:

Added January 15, 2015.