

Wyoming State Chancery Court Electronic Filing Administrative Policies and Procedures Manual

**Version 1.5
June 5, 2024**

1. Introduction

The following policies and procedures govern the electronic filing and serving of documents in chancery court proceedings.

2. Definitions

A. The following definitions shall apply:

- i.** “Business Day” means Monday through Friday 8:00 am to 5:00 pm Mountain Time, excluding official state holiday closures and other court closures.
- ii.** “Document” means answers, affidavits, attachments, briefs, complaints, declarations, exhibits, judgments, memoranda, motions, notices, papers, pleadings, petitions, orders, responses, exhibits and any other filing with or entry by the chancery court.
- iii.** “Electronically file” and “eFile” mean uploading a document to the electronic filing system to file that document in the chancery court’s case file.
- iv.** “Electronically serve” and “eServe” mean uploading a document to the electronic filing system to serve that document on parties in a case through the electronic filing system.
- v.** “Electronic filing system” and “EFS” mean the web-based user interface system provided by the Wyoming Supreme Court for registered users to electronically submit documents and serve parties in chancery court matters.
- vi.** “Filer,” “registered user,” and “user” mean an individual who has registered to use the EFS under paragraph 3 and who has obtained a unique username and password to eFile and eServe documents in chancery court matters via the EFS.
- vii.** “In camera” means a confidentiality designation for an eFiled document limiting access to the document to the filer and judge assigned to the case.
- viii.** “Notice of Electronic Filing” and “NEF” mean a notice generated by the EFS that a document is filed with or entered by the chancery court.
- ix.** “Online inbox” means a registered user’s online inbox accessible via the EFS. Registered users will receive Notice of Electronic Filings through their online inboxes.
- x.** “.pdf” means Portable Document Format, a proprietary file format developed by Adobe Systems, Inc.

- xi.** “Public” means a designation for an eFiled document providing full access to the document.
- xii.** “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.
- xiii.** “Technical failure” means a malfunction of the EFS’s or chancery court’s hardware, software, or telecommunications facility that prevents a registered user from eFiling or eServing a document. It does not include failure of a registered user’s equipment, software, hardware, telecommunications facility, internet service, or any other failure on part of the registered user.
- xiv.** “Traditional filing” means submitting a filing to the clerk in paper or other tangible form.

3. Use of EFS

A. Eligibility

The persons identified below may eFile and eServe documents upon compliance with subparagraph (B) of this paragraph (3).

- i.** Attorneys who are active members in good standing of the Wyoming State Bar.
- ii.** Eligible attorneys’ designated staff under Rule 5.3 of the Rules of Professional Conduct.
- iii.** Self-represented individuals who are not licensed attorneys.
- iv.** A magistrate or master appointed under the W.R.C.P.Ch.C.

Unless the chancery court orders otherwise, counsel admitted pro hac vice may not eFile documents. Documents must be eFiled by local counsel.

B. Registration, Training, and Compliance

Any eligible person intending to electronically file or serve a document in a chancery court proceeding must do the following.

- i.** Complete training in use of the EFS and pass an eFiling proficiency exam. A schedule of live training sessions, self-study training materials, and dedicated help resources are available at:
<https://www.fileandservexpress.com/wyoming-resources/>.
- ii.** Register to use EFS. Online registration information is available at:
<https://www.fileandservexpress.com/register/>.

- iii. Comply with, and agree to be bound by, the terms and conditions of the EFS user agreement.
- iv. Comply with the policies and procedures contained in this manual.
- v. Comply with the *Wyoming Rules Governing Access to Case Records* and all other applicable filing rules.
- vi. Maintain a current and functioning email address through which the filer agrees to accept electronic notifications from the EFS.

C. Consent to eService and Notification

An attorney who appears in an action 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 the W.R.C.P.Ch.C or court order. Counsel and self-represented parties should promptly register as EFS users and electronically appear in the case to ensure service of documents.

D. Use of Username and Password

Each eligible person who completes the registration and training requirements set forth in subparagraph (B) of this paragraph (3) will be issued one username and password. A registered attorney is responsible for all documents filed under his or her name by his or her staff. If a registered user believes the security of a password has been compromised, the user must change the password immediately and notify the clerk.

4. eFiling of Documents

A. eFiling is Mandatory

Each filing must be electronic unless otherwise ordered by the chancery court upon exceptional cause shown. Examples of exceptional cause include that eFiling the document would violate state or federal law or that a tangible thing cannot be converted to .pdf and eFiled due to size. Unless otherwise ordered, when the chancery court permits traditional filing, the filer must traditionally file the document, eFile notice of the traditional filing, and eServe all available parties with such notice.

B. Format of eFiled Documents

Each eFiled document must satisfy the below requirements.

- i. Each eFiled document must be eFiled in .pdf format, except that a proposed order must be eFiled in editable Microsoft Word format with a blank header that extends at least 3 inches from the top of the first page.
- ii. Documents shall be directly converted to a text-searchable .pdf. An attachment or exhibit (not a motion, brief, memorandum, etc.) that is a

scanned image of its original form, may be in standard .pdf format and need not be text searchable.

- iii. Each eFiled document must be formatted in accordance with all applicable rules governing formatting of paper documents. Before conversion to .pdf, each pleading must be 8 ½ " x 11" in its original form and any attachments or appendices that are larger or smaller, should be reduced or enlarged to 8 ½ " x 11".
- iv. The size of any eFiled document must not exceed 150 megabytes. A document that exceeds the size limit must be broken down and submitted as separate files that do not exceed 150 megabytes each per transaction. Separate files under this section 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."
- v. A document that is not an attachment or exhibit must not be embedded inside another .pdf. For instance, a precipe 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 so long as the exhibit is clearly demarcated.
- vi. All eFiled documents relating to a single pleading or document must be "electronically stapled" using the EFS's "main" and "supporting" functionality. In this way, multiple related documents, although filed separately, are logically connected, and are identified as a single transaction. An example of linking related documents is eFiling a motion as a main document and electronically stapling a proposed order as a supporting document.
- vii. Any eFiled document responding to a previously eFiled document must be linked to the previous filing using the EFS's "link document" feature. This feature connects a new filing to a related earlier filing, even though the documents are filed separately as part of different transactions. As an example, counsel for Plaintiff Steamboat, Inc. would link the new document "Plaintiff Steamboat Inc.'s Response to Defendant Cowboy Corporation's Motion for Summary Judgment" to the previously eFiled "Defendant Cowboy Corporation's Motion for Summary Judgment against Plaintiff Steamboat, Inc." The difference between the "electronically stapled" and "link document" features is that "electronically stapled" documents belong to a single transaction, but "linked documents" belong to separate transactions.

- viii. Each proposed order must be eFiled as a “supporting” document to the motion or request to which it corresponds. If a proposed order is not filed concurrent with a corresponding motion or request, the proposed order must be eFiled as a “supporting” document to a “notice of proposed order.” A proposed order shall not be file-stamped until it becomes a final order signed by the judge.
- ix. Protective orders addressing confidential information and ESI protocols submitted for review and entry by the court should be submitted as “proposed orders” attached to a “notice of proposed order.”
- x. Filers must leave a blank header that extends at least 3-inches from the top of the first page of each eFiled document for use by the EFS and clerk.
- xi. The electronic file name for each document eFiled must clearly identify its contents, including identifying the party or parties filing the document, the party or parties against whom relief is sought, and the relief sought—for example, “Defendant Cowboy Corporation’s Motion for Summary Judgment against Plaintiff Steamboat, Inc.”
- xii. Filers must verify that all documents are legible before eFiling the documents.

C. Initiating or Removing Documents

i. Initiating Documents

Complaints or other initiating documents must be eFiled with the case number blank. An appropriate case number will be assigned after the registered user has eFiled the action. Documents initiating an action must be accompanied by a completed civil cover sheet form available on the chancery court’s website.

ii. Removing Documents

When removing an action from district court to chancery court, the “notice of removal” required by the rules must be eFiled in the EFS as a “New Case.” The “notice of removal” must be accompanied by a completed civil cover sheet form available on the chancery court’s website.

After the chancery court enters an “order of removal,” the removing party must eFile a copy of the entire district court record and proceedings into the “existing case” on the EFS using the “transmittal of district court record” document type.

D. Diligence of Filers

Counsel and self-represented parties appearing before the chancery court must become familiar with and competent in using the EFS. Filers must exercise diligence

to ensure that the description of the document entered during the eFiling process accurately and specifically describes the document being filed. Filers should pay particular attention to the accuracy of the caption, case number, parties, dates, and signatures.

E. Timing of eFilings

A document is deemed filed upon submission to the EFS. And a document is deemed timely filed if submitted to the EFS by 11:59:59 p.m. Mountain Time on the due date. Questions of timeliness will be resolved by the date affixed to the eFiling by the EFS.

F. Quality Control of eFilings

- i. eFilings which fail to comply with the requirements of this Manual may be removed from the court record by the clerk within three (3) business days of filing.
- ii. eFilings which fail to comply with the requirements of this Manual may be stricken from the court record by the judge after three (3) business days of filing.
- iii. If an eFiling is stricken or removed from the court record, the clerk shall remove the stricken eFiling from the record and enter a docket entry that reads, “Disregard. Filing stricken.” The clerk shall notify the parties when an eFiling is stricken or removed from the court record.
- iv. eFilings that are stricken or removed from the court record and re-eFiled may relate back to the date of the stricken eFiling at the discretion of the judge.
- v. Documents eFiled with the incorrect case number, case type, or document type may be changed by the clerk without approval by the filer. If the clerk changes an eFiling in accordance with this subparagraph, the clerk shall provide notice to the filer.
- vi. 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.”
- vii. Neither the clerk nor the judge is required to review eFiled documents, and neither is 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.

G. eFiling Fees

Filing fees will be billed through the EFS at rates approved by the Wyoming Supreme Court. When registering to use the EFS, participants must provide all information necessary to pay filing fees.

5. eService of Documents

A. eService is Mandatory

Every eFiled document must be eServed unless the chancery court orders otherwise or unless the document is an initial pleading subject to the requirements of W.R.C.P.Ch.C. 4.

A party seeking to serve a subsequent filing on a party who has not yet entered an electronic appearance in the action must seek permission from the chancery court to serve the filing by registered or certified mail or other reliable means.

B. The Notice of Electronic Filing Constitutes Service

When a user eFiles a document and selects parties to receive eService of the document, the EFS will generate and deliver a NEF to the online inboxes of all parties selected for eService. Issuance of the NEF constitutes service and additional paper service is unnecessary. Accordingly, parties should actively monitor their online inboxes accessible on the EFS to receive Notices of Electronic Filing.

C. Certificate of Service is Still Required

The NEF does not replace the certificate of service required by the Rules of Civil Procedure for Chancery Court. A certificate of service should be appended to the eFiled document.

D. eService of Discovery Documents

Unless the chancery court orders otherwise, formal responses to discovery requests must be eServed through the EFS's "serve only (private)" function. This function eServes documents on parties without eFiling the documents with the chancery court. If responsive documents are incapable of eService through the EFS, they may be served using some other methodology agreed upon by the parties and approved by the chancery court.

6. Electronic Signatures on Documents Filed by Litigants

An eFiled document requiring a self-represented party's or counsel's signature must include a conformed signature (a typed name preceded by the symbol "/s/.")

A document executed by multiple parties must bear the conformed signature of each signatory. By filing a document with multiple electronic signatures, the counsel (or self-represented individual), who uses his or her username to eFile the document, or who causes his or her staff to eFile the document, certifies that each signatory has authorized the use of his or her signature

Electronic notarization may be used for eFiled documents so long as the electronic notarization satisfies Wyoming law and meets any rules promulgated by the Wyoming Secretary of State under Wyo. Stat. Ann. § 32-3-125.

7. Notice and Entry of Orders, Judgments, and Other Matters

A. Matters Entered by the Court.

The chancery court intends to enter all orders, judgments, notices, and other matters electronically through the EFS. Each matter entered by the court will bear either a conformed signature or a digital image of a signature, or both.

B. Transcripts.

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

- i. eFile and eServe on all parties who have electronically appeared in the action a “Notice of Filing Transcript” designated as “public” in the EFS and containing the court reporter’s contact information and instructions for purchasing the transcript; and
- ii. eFile the transcript using the “file only” and “in camera” designations in the EFS to ensure access to the transcript by chambers and to prevent access to the transcript through the EFS by parties or the public without purchase.

Notwithstanding the “file only” and “in camera” designations 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.

8. Technical Failure

If a document cannot be filed due to a technical failure, the chancery court may, upon satisfactory proof, permit the filing date of the document to relate back to the date the filer first attempted to eFile the document. And, if appropriate, the chancery court may adjust the schedule for responding to the documents or appearing at a hearing on the matter.

To obtain relief under this paragraph (8), a filer must file a motion and proposed order with the court within one business day after the technical failure is resolved. The motion must include:

- i. The date of the original attempted submission.
- ii. The date the filer was notified the submission was not successful.
- iii. An explanation of the reason for requesting that the date of filing relate back to the original submission.
- iv. Supporting exhibits to substantiate the technical failure.

Registered users should direct technical and operational questions about the EFS and requests for documentation substantiating a technical failure to File & Serve Xpress at its toll-free hotline, 1-888-529-7587, or via email at support@fileandserve.com.

9. Protected Information

A. eFiling Redacted Documents

The filer must ensure that protected personal data identifiers are omitted or redacted from documents in compliance with the *Wyoming Rules Governing Access to Case Records*.

When these rules require a party to file both a redacted and unredacted version of a document, the user should eFile:

- i. a redacted version designated as “public” in the EFS;
- ii. an unredacted version designated as “sealed” in the EFS, unless the *Wyoming Rules Governing Access to Case Records* call for a more or less restrictive designation.

B. eFiling Documents Entirely under Seal

A user eFiling a document subject to the protections of Wyo. Stat. Ann. § 4-10-205, must designate the document as “sealed” in the EFS and need not file a motion to seal under Rule 8 of the *Wyoming Rules Governing Access to Case Records*.

A user wishing to eFile any other type of document entirely under seal, must eFile a motion to seal under Rule 8 of the *Wyoming Rules Governing Access to Case Records* unless an order specifies otherwise. This motion must be designated as “public” in the EFS and any documents that are subject to a motion to seal will be designated as “sealed” in the EFS. The documents will remain protected from public access until and unless the chancery court rules against the motion.

10. Ex Parte Filings

A user intending to eFile a document ex parte when allowed by law must designate the document as “file only” and “in camera” in the EFS. These two designations will ensure that only the chancery court will receive the eFiled document.

11. Judicial Discretion to Remedy Errors

In circumstances where the interests of fairness and justice demand a departure from these policies and procedures, the chancery court judge may use his or her discretion to provide relief for eFiling and eService errors upon good cause shown.

12. Revisions to Manual

A. Changes

The chancery court may modify or amend this Electronic Filing Administrative Policies and Procedures Manual at any time without prior notice. The Manual will be posted on the chancery court's website, <https://www.courts.state.wy.us/chancery-court>.

B. Record of Changes

Version	Date	Changes
1.0	09.21.2021	Released Version 1.0 of Manual
1.1	10.15.2021	Released Version 1.1 of Manual with updates to the following sections: 2 (A)-(K); 3(A), (B), and (D); 4(A), (B), (E), and (F); 5(B); 6; 8; 9(C); and 12(B).
1.2	11.29.2021	Released Version 1.2 of Manual with updates to the following sections: 2(B), (H), and (I); 3(A)-(D); 4(A)-(C) and (E)-(F); 5(A)-(C); 7(A) and (B); 9(C); and 12(B).
1.3	1.14.2022	Released Version 1.3 of Manual with updates to the following sections: 2(H)-(N); 3(A) and (D); (A)-(C), and (D); 6; 7(A) and (B); 8; 9 C) and 12(B).
1.4	7.8.2022	Release Version 1.4 of Manual with substantive updates to the following sections: 2(A); 4(B)-(C), (E)-(F); 5(D); 9(A), (C); 12(B).
1.5	6.5.2024	Release Version 1.5 of Manual with updates in the following sections: 3(B); 4(B); 4(F); 8; 9.