

Board of Judicial Policy and Administration

Supreme Court Building, Room 237

Cheyenne, Wyoming

September 21, 2020

9:00 A.M. – NOON

Video Conference

AGENDA

BJPA Members: Chief Justice Michael Davis (Chair)*, Justice Kate Fox*, Justice Lynne Boomgaarden, Judge Catherine Wilking*, Judge Catherine Rogers*, Judge Thomas Rumpke*, Judge Wes Roberts*, Judge Curt Haws*, Judge Wendy Bartlett*

Others Present: Judge Brian Christensen*, Lily Sharpe, State Court Administrator, Claire Smith, Chief Fiscal Officer and Human Resources Director, Elisa Butler, General Counsel, Lisa Finkey, Children's Justice Coordinator, Heather Kenworthy*, Applications Manager, Nate Goddard*, IT Operations Manager, Cierra Hipszky, Business Manager; and Diane Sanchez, Laramie County Clerk of District Court

**Appeared remotely via phone or video conference*

Agenda Items	
Roll Call	Judge Curt Haws was absent from the meeting. All other members were present.
Welcome	Chief Justice Davis welcomed members and other attendees.
New Judicial Appointments	<p>1. Second Judicial District: Robert Sanford</p> <p>A. Judge Castor Retired July 3, 2020</p> <p>Governor Gordon appointed Robert Sanford to be a Circuit Court Judge for the Second Judicial District serving Albany County.</p>
Judicial Vacancies	<p>1. Sixth Judicial District: Nick Deegan</p> <p>A. Judge Deegan Retiring December 25, 2020</p> <p>Chief Justice Davis indicated the Judicial Nominating Commission will be conducting interviews on October 1, 2020.</p> <p>2. Eighth Judicial District: Vincent Case</p> <p>A. Judge Case Retiring January 3, 2021</p> <p>Chief Justice Davis indicated the Judicial Nominating Commission will be</p>

	<p>conducting interviews on September 24, 2020.</p> <p>Chief Justice Davis further noted it is helpful to the Judicial Nominating Commission to have advanced notice of planned retirement. He encouraged any judge planning to retire to give him a phone call before giving official notice so he can get in touch with the Commission to make sure everyone can be there for interviews within the sixty (60) day timeframe. The identity of the retiring judge will not be disclosed to the Commission until the Chief receives official notice of retirement.</p>
COVID-19 Funding	<p>1. Update – Claire Smith</p> <p>The second round of requests are on hold. There are discussions CARES Act funds may potentially be used for lost revenue. This may be why the Governor's office is holding on approving anymore requests. The Governor's office is aware that we will have finished half of our courtroom technology upgrades by October with the funds we have received so far and that in order to get the other half done with COVID funds, we will need to order the equipment within the next month.</p> <p>The breakdown of funding and expenditures in the first round is as follows:</p> <ul style="list-style-type: none"> • PPE \$200,000 <ul style="list-style-type: none"> ○ Have spent \$20,000 of the \$200,000. ○ Funds originally needed to be spent by December 30, 2020. The State Auditor, Budget and Governor's offices are pushing to have funds spent sooner. They have requested reversions by November 1, 2020. ○ Will likely have reversions unless courts have large requests before November. • Courtroom technology \$4.6M <ul style="list-style-type: none"> ○ These funds will be fully spent. • Jury adaptation \$1.5M <ul style="list-style-type: none"> ○ Will likely have unspent funds. ○ There have been questions about seat cushions. Please pay for these from your budget and we will reimburse if funds are available. • Cybersecurity <ul style="list-style-type: none"> ○ Have spent most of the allocation. ○ Will revert about \$33,000. • Laptops for telework <ul style="list-style-type: none"> ○ Have spent all but \$80.25. • iPads for video conferencing in jails <ul style="list-style-type: none"> ○ We did not intend for those funds to flow through the Judiciary. ○ We relayed to the Governor's office to revert the funds so counties can apply for them through alternative channels. <p>We have received a shipment of masks from the State supply. They will be allocated based on courts' anticipated number of trials. We are in the process of distributing them. Some will arrive with the laptop shipments.</p>

Legislative Interim Meetings

1. Update – Lily Sharpe

A. Joint Judiciary Interim Committee, (JJC) August 20-21

The Joint Judiciary Committee (JJC) received an update from the new Court Records Division of the Permanent Rules Advisory Committee.

The JJC considered five (5) controversial bill drafts related to the Judiciary. The first bill draft was the Ethics and Disclosure Act, 21LSO-0060 ([Appendix 1](#)). The Ethics and Disclosure Act, W.S. 9-13-101 through 9-13-109, was originally passed in 1998. Broadly speaking, the Act prohibits elected officials, directors, deputy directors, and administrators in the Executive and Legislative Branches from receiving gifts with a monetary value over \$250 as a result of their office or jobs. Violation of the Act is a misdemeanor punishable by a fine up to a \$1,000 and constitutes cause for removal from office. The bill draft extends the Act to the Judicial Branch. LSO pointed out the bill draft may raise separation of powers concerns. The bill draft will be considered by the JJC again in October.

The Electronic court filings bill draft, 21LSO-0082 ([Appendix 2](#)), requires all clerks of court to file documents received via email. The Committee voted to sponsor the bill in the 2021 session.

The next two bill drafts both dealt with district courts. The District court administrative and fiscal control-repeal bill draft, 21LSO-0083 ([Appendix 3](#)), repeals W.S. 5-3-102(b) which provides that district courts are free of administrative and fiscal control of the Supreme Court. The District courts budget submittal-repeal bill draft, 21LSO-0047 ([Appendix 4](#)), repeals the requirement for district courts to submit individual budgets. Both drafts were tabled.

Lastly, the Judicial workload assessments bill draft, 21LSO-0048 ([Appendix 5](#)), requires the Supreme Court to provide JJC with workload assessments before each budget session. This bill draft was also tabled.

The Board discussed the bill drafts. It was noted that neither the Judiciary nor the Commission on Judicial Conduct and Ethics were consulted about the proposed changes to the Ethics and Disclosure Act. The Commission on Judicial Conduct and Ethics has been invited to the JJC meeting in October. There will be a strong message presented at that time. Judges and Justices are also contacting legislators to educate them about the Judicial Branch.

With respect to the Electronic court filings bill, Chief Justice Davis relayed to the JJC that if a bill were necessary, it would be best to provide the specifics of filing by email be set out in court rules. Diane Sanchez stressed that the District Court Clerks' Association prefers the mechanics of filing by email to be detailed in court rules rather than in statute. The Association has worked closely with the Civil Rules Committee to develop proposed rule changes. Many concerns still remain because email is a messaging service and not an electronic filing solution. Those issues include increased workload for the clerks, obtaining payment of filing fees, handling confidential documents, and the increased risks of getting computer viruses.

<p>Chancery Court Committee</p> <p>Judicial Members: Justice Fox (Chair), Chief Justice Davis, Judge Fenn, Judge Waldrip, Ret., Judge Sullins, Ret.</p>	<p>1. No Update</p> <p>Chief Justice Davis observed there are still numerous options on the table in regard to Chancery Court. Those include a having a traditional brick and mortar Chancery Court, enlisting the help of the district court judges to hear those cases, or delaying the project.</p>
<p>Judicial Conference Reports</p> <p><u>Circuit Conference President:</u> Judge Christensen</p> <p><u>District Conference President:</u> Judge Wilking</p>	<p>1. Circuit Court Conference – Judge Christensen</p> <p>The education at the Judicial Conference last week was appreciated, and the virtual meetings went better than expected. The winter meeting in December has been cut back. It is still being planned and may only include one formal presentation. There is a possibility of having the meeting in Jackson, with the meeting being available via Teams for remote participation.</p> <p>2. District Court Conference – District Court Conference President</p> <p>Judge Wilking received good feedback on the quality of the programs and education during the Judicial Conference. Planning has started for the winter meeting in December. The meeting will likely be done via Teams for remote participation. The Conference is working on contacting legislators in preparation for the 2021 Budget Session.</p>
<p>Judicial Branch Technology</p> <p><u>Courtroom Automation Committee</u></p> <p>Members: Chief Justice Davis (Chair), Judge Fenn, Judge Edelman, Judge Campbell, Judge Christensen, Judge Castano, Judge Haws</p> <p><u>Courtroom Technology Committee</u> Members: Chief Justice Davis (Chair), Justice Fox, Judge Lavery, Judge Johnson, Judge Christensen, and Judge Prokos</p>	<p><u>Court Automation</u> – Elisa Butler and Heather Kenworthy</p> <p>1. DCAC/CCAC – Heather Kenworthy</p> <p>A. FCE Circuit</p> <p>We have finished the first of two trainings for the remaining courts migrating to FCE on Friday. The second training will occur next week. There are six (6) migrating courts in the training. Additionally, two (2) courts that have already migrated have sent clerks for new hire or refresher training. We will be continuing with the Circuit Court Change Committee to review any requested changes to FCE that would affect all courts across the State. This group meets once a month on the third Thursday. This is the last group of migrating Circuit Courts and we are scheduled to have the last courts go-live the week of November 1, 2020.</p> <p>B. FCE District</p> <p>We continue to work with the committee to review the configurations of the various case types within FCE. Committee members have been sending in their feedback as they work through cases on their own in the development environment.</p> <p>The vendor is working on additional data elements to be added to the migration tool. They will be providing a new template to us near the end of this month or early next month. We will be returning the data and images from two (2) courts for the vendor to migrate. Our hope is to be able to look at the results of that migration attempt in November.</p>

Supreme Court staff have built an application that gets a better view of the financial picture within WyUser. We are looking to use this to create reports to assist with data re-entry into FCE as courts migrate.

Lily Sharpe relayed the vendor, Justice Systems Inc indicated to her Wyoming had the best rollout of FCE in the nation. She noted deep appreciation of the Applications team. They have put many hours into creating a wonderful program for the clerks as they move to FCE. The program includes a four-hundred (400) page manual created by the team, and eighty (80) hours of training with each court before they go-live. We will have rolled out all of the circuit courts by the end of the year. This is a major accomplishment for the Judicial Branch.

2. Jury Management – Heather Kenworthy

A. Commencement of Activities for Group 5

First contact calls have been made to the courts in Rollout Group 5. Training will take place in December 2020. Six (6) courts have been invited to the December 8 – 10, 2020 training. Carbon County circuit and district courts, Fremont County circuit and district courts, Sweetwater County circuit court, and Sublette County district court. The training is planned to be in person with a few participating on-line.

EFiling – Elisa Butler

1. Update

Court Administration is currently in contract negotiations with File & ServeXpress, the electronic filing vendor selected by the eFiling Committee, and approved by the Joint Court Automation Committee and the Supreme Court. We hope to have that contract wrapped up in the coming weeks. Thereafter the Applications staff will begin working with the vendor to get the eFiling system ready for implementation in the Chancery Court, to be followed by the district courts.

We are expecting to begin piloting FCE in the district courts in July of 2021. This will allow us to do one more workload study. This is beneficial as the current study will no longer be valid once we start moving to the new system. A new study will need to be created for the FCE system. In no particular order, the pilot courts are Fremont, Laramie, and Albany Counties.

Once there is a comfort level from the Court Administration staff and the district court clerks, we will then be able to layer the eFiling system on top of the case management system. Chief Justice Davis noted there is a possibility to pilot eFiling in the district courts before all are migrated to the new case management system. There is a benefit to doing that, as its unclear how much longer the Legislature is going to wait for us to start rolling out the eFiling system.

Courtroom Technology – Nate Goddard

1. New Standard Highlights

	<p>The recently amended court technology standards include additional microphones, monitors, hearing assist at the sidebar, and audio streaming to the public. The current COVID-19 funding allows for us to complete the upgrade in half of the courtrooms throughout the State.</p> <p>2. 25 Courtrooms and 14 Jury Rooms Completed</p> <p>Upgrades have been completed in the following:</p> <ul style="list-style-type: none"> • JD-1 Cheyenne; seven (7) courtrooms • JD-7 Casper; seven (7) courtrooms and seven (7) jury rooms • JD-6 Gillette; six (6) courtrooms and five (5) jury rooms • JD-6 Sundance/Newcastle; two (2) courtrooms and two (2) jury rooms • JD-4 Sheridan; three (3) courtrooms and two (2) jury rooms <p>3. Jury Room Video</p> <p>Seventy-two (72) Microsoft Surface Hubs have been ordered for upgrades to the jury rooms.</p>
<p>Permanent Rules Advisory Committee (PRAC)</p> <p><u>Court Records Division</u> Judicial Members: Justice Gray, Judge Overfield, Judge Castano</p> <p><u>Appellate Division</u> Judicial Members: Justice Boomgaarden, Judge Fenn</p> <p><u>Civil Division</u> Judicial Members: Justice Fox (Chair), Judge Castano, Judge Kricken, Judge Rumpke</p> <p><u>Criminal Division</u> Judicial Members: Justice Kautz (Chair), Judge Sharpe, Judge Phillips</p> <p><u>Evidence Division</u> Judicial Members: Judge Rumpke (Chair), Judge Nau, Judge Radda</p> <p><u>Juvenile Division</u> Judicial Members: Judge Wilking (Chair), Justice Kautz, Judge Campbell, Judge Fenn</p>	<p>1. Court Records Division – Elisa Butler</p> <p>A. Committee Work</p> <p>B. Joint Judiciary Committee</p> <p>The Court Records Division of the Permanent Rules Advisory Committee was formed nearly a year ago in an effort to clarify access to court records by both statutory and rule changes. The division is chaired by former senate president, Phil Nicholas, and Justice Gray is the Justice assigned to the division. The division had its first meeting in early August to provide some background to the division and discuss the work that the division will be embarking upon. The next meeting is scheduled to take place on September 24. That meeting will provide additional background information regarding the work of the division in the coming year. Chairman Nicholas and Justice Gray also appeared at the Joint Judiciary Committee meeting in August to discuss the work of the court records division of the PRAC.</p> <p>2. Appellate Rules Division – Justice Boomgaarden</p> <p>No update.</p> <p>3. Civil Rules Division – Justice Fox</p> <p>A. Rule Amendments</p> <p>The district court clerks expressed a desire to manage the requirements for email filing through rule once they became aware of the email filing bill draft. The District Court Clerks Association and the Civil Rules Committee worked together to come up with proposed rule changes (Appendix 6). The Civil Rules Committee approved the proposed rule changes. The amendments make email</p>

	<p>filing as workable as possible to ensure the reliability of the email filings and maintain a level of safety from viruses.</p> <p>One of the proposed changes increases the fee to file by email from \$1 to \$2 per page. The thought was \$1 per page was not enough to cover the employee time and increased workload. Because of pushback to the increase, it may be best to leave the amount set at \$1 per page. The fees collected by the district courts go to the associated county and those collected by the circuit courts go to the General Fund.</p> <p>The changes proposed also include an amendment to allow the district court clerks to report the failure to pay after ten (10) days to the judge. The judge may strike that pleading or dismiss the case.</p> <p>There are additional proposed changes that merely cleanup items not related to the email filing amendments.</p> <p>Justice Fox moved to approve the amendments adding the proposed language to Rule 4 of the Rules for Fees and Costs for District Courts and Rule 4 of the Rules for Fees and Costs for Circuit Courts allowing the clerks to charge to receive email filings, with the exception of increasing the fee to \$2. Justice Boomgaarden seconded the motion. There was no further discussion. The motion passed 6-1 on voice vote.</p> <p>Judge Rogers moved to approve the remaining amendments as drafted. Judge Rumpke seconded the motion. After a discussion, Judge Roberts, seconded by Judge Bartlett, moved to table the motion to approve. After assurance by Justice Fox that she would work with the Circuit Court Conference to address their concerns with the amendments, Judge Roberts withdrew his motion to table. There was consensus among the BJPA members that the rules should be in place before the next JJC meeting in October. Chief Justice Davis called for the question. The motion to approve the remaining proposed amendments as drafted passed unanimously.</p> <p>4. Criminal Rules Division – Justice Kautz</p> <p>No update.</p> <p>5. Rules of Evidence Division – Judge Rumpke</p> <p>No Update.</p> <p>6. Juvenile Rules Division – Judge Wilking</p> <p>A. Proposed Rule Changes Submitted to Supreme Court</p> <p>The proposed changes to the rules were approved and the Order Amending was signed on August 25, 2020. There is no further update at this time.</p>
Access to Justice Commission	<p>1. Update – Justice Boomgaarden</p> <p>The Legal Needs Assessment was completed and made public on September 3, 2020. Data within the assessment will be used to prioritize program objectives, allocate resources, and enhance collaborative work between the different legal service providers throughout Wyoming. The seven (7) state legal service</p>

	<p>providers participated in order to gain as much from the study as possible. The vendor for the assessment, DataCore, made a presentation at a joint meeting of the AJC Commission and EJW Board on September 3, 2020. A copy of the assessment and the summary is available on the Legal Aid of Wyoming, EJW, and Bar websites. It will additionally be up on the AJC website soon. Please contact Justice Boomgaarden if there are difficulties in locating the assessment.</p> <p>There was a well-attended panel presentation at the virtual Bar Meeting on September 16, 2020 to discuss the assessment and the “Current Landscape of Civil Legal Needs”.</p> <p>The next AJC meeting is scheduled for November 2, 2020.</p>
Court Security Commission	<p>1. Update – Ronda Munger</p> <p>The 2020 Court Security Annual report was published on September 1, 2020. The report is on the Judicial Branch website. Due to budget constraints, those reports were not printed this year.</p> <p>Pursuant to W.S. 5-11-101, it is time for the Board to appoint the circuit and district court judges recommended by the Conferences. The Circuit Court Conference recommended Judge Roberts. Judge Kricken has volunteered for the district court appointment and the District Court Conference letter appointing her will be forthcoming soon.</p> <p>Judge Rumpke, seconded by Justice Fox, moved to approve Judge Roberts as the circuit court judge on the Court Security Commission and Judge Kricken, upon receipt of the appointment letter, as the district court judge on the Court Security Commission. The motion passed unanimously.</p> <p>Ronda noted the commission had been meeting around the State in various courthouses. That practice has been put on hold due to the current health concerns attributed to COVID-19. It is unclear when those visits will resume.</p>
Judicial Education	<p>1. Update – Elisa Butler</p> <p>The 2020 Judicial Council meeting took place last week remotely. We will send out a survey in the coming days to gather feedback on the meeting and encourage judges and justices to complete the survey to help planning the meeting in the coming years.</p>
Sweetwater County Supervising Judge	<p>1. Update – Lily Sharpe</p> <p>A. Board Approval</p> <p>In accordance with the BJPA Circuit Court Clerical Staff Supervision Policy, Judge Prokos requested the Board to approve himself as the supervising judge (Appendix 7). Judge Roberts moved to approve Judge Prokos as the supervising judge for the Sweetwater County Circuit Court. Justice Fox seconded the motion. There was no further discussion. The motion passed unanimously.</p>
2021 BJPA Schedule	<p>1. March 15, 2021</p>

	2. June 14, 2021 3. September 20, 2021 4. December 13, 2021
New Business	1. Member Input Chief Justice Davis noted there will be a sixth order entered soon amending the March 18, 2020 Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic. There will be minor changes in the order. One change will delete the waiver of fees for email filing to align with changes to the email filing rules.
Adjournment	The meeting adjourned at 10:47 a.m.

Action items: 1. None.

Action taken by Board: 1. Approved the proposed language in Rule 4 of the Rules for Fees and Costs for District Courts and Rule 4 of the Rules for Fees and Costs for Circuit Courts allowing the clerks to charge for filing a document received by email, but disapproved increasing the fee from \$1 to \$2 per page. 2. Approved the remaining proposed amendments to Rules 4, 5, and 39 of the Rules of Civil Procedure and Rule 203 of the Uniform Rules for District Courts, noting that the Circuit Court Judges Conference may submit additional proposed language to the Supreme Court for consideration. 3. Approved the request to appoint Judge Roberts as the circuit court judge on the Court Security Commission, and Judge Kricken, upon receipt of an appointment letter, as the district court judge on the Court Security Commission. 4. Approved the request to appoint Judge Prokos as the supervising Sweetwater County Circuit Court Judge.

Appendix 1: Ethics and Disclosure Act, 21LSO-0060

Appendix 2: Electronic court filing bill, 21LSO-0082

Appendix 3: District court administrative and fiscal control-repeal bill, 21LSO-0083

Appendix 4: District courts budget submittal-repeal bill, 21LSO-0047

Appendix 5: Judicial workload assessments bill, 21LSO-0048

Appendix 6: Proposed Civil Rule Amendments

Appendix 7: Letter from Sweetwater County

Attachments are highlighted

Approved on October 16, 2020

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Ethics and Disclosure Act amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to government ethics; amending and
2 establishing definitions and procedures for the Ethics and
3 Disclosure Act; expanding the scope of the Act to include
4 local governmental entities, the judicial branch and
5 additional state employees; amending offenses and penalties
6 of the Ethics and Disclosure Act; amending financial
7 disclosure requirements; and providing for an effective
8 date.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 9-13-102(a)(xii)(intro), (xv), by
13 creating new paragraphs (xvii) through (xxi) and by

renumbering (xvii) as (xxii), 9-13-104, 9-13-105(a),
(b)(intro) and (ii) and (c), 9-13-106(a)(intro) and (b), 9-
13-107, 9-13-108(a)(iii) and (b) and 9-13-109(a) and (b)
are amended to read:

9-13-102. Definitions.

(a) As used in this article:

(xii) "Public employee" means any ~~of the~~
~~following state employees:~~ employee or at-will contract
employee of a state entity or local office;

STAFF COMMENT

"State entity" and "local office" are terms currently
defined in the Ethics and Disclosure Act. The definition
for "state entity" is amended in this bill draft. The
definition for "local office" follows:

(vii) "Local office" means the offices of county
commissioner, county treasurer, county assessor, county
clerk, county sheriff, county coroner, district attorney,
county attorney, clerk of the district court, mayor and
member of the council of a municipality, member of the
board of trustees of a community college district or a
school district and member of a joint powers board or
special district. As used in this paragraph "special
district" means any special district specified under W.S.
22-29-103(a) and any other corporate district authorized to

1 be formed as a political subdivision under the laws of this
2 state;

3
4 The Committee may wish to consider whether a definition of
5 "at-will contract employee" is necessary to include in the
6 Ethics and Disclosure Act. For state employees, an at-will
7 contract employee is one whose position is created by the
8 governor exercising his authority under W.S. 9-2-
9 1022(a)(xi)(F)(VI) and for which the position is granted
10 continued authorization through the enactment of the state
11 budget.

12
13 Given the changes in this bill draft to include local
14 employees, the Committee may wish to consider whether the
15 definition of "public member" should be amended to include
16 those members appointed to local boards, commissions, and
17 councils.

18
19 Finally, the Committee may wish to consider the breadth of
20 employees, public members, and public officials who should
21 be covered under the Ethics and Disclosure Act. Compare
22 Bretz v. City of Center Line, 276 N.W.2d 617, 618 (Mich.
23 Ct. App. 1979) (holding that a city's anti-nepotism policy
24 was unconstitutionally overbroad because the policy
25 prohibited any hiring that created an immediate family
26 relationship with another employee of any public body),
27 with Sioux City Police Officers Ass'n v. City of Sioux
28 City, 495 N.W.2d 687, 697 (Iowa 1993) (holding that a
29 city's anti-nepotism policy—one that prohibited employees
30 from working in the same department if the employee had a
31 familial or spousal relationship with another employee in
32 that department—was not unconstitutionally overbroad).

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34 *****
35 *****
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37 (xv) "State entity" means a state agency, state
38 office, department, division, bureau, board, commission or
39 council of the state, including the legislature, any court
40 or agency in the judicial branch and the Wyoming community

development authority; ~~and Wyoming science, technology and energy authority. The term does not include a court or an agency in the judicial branch;~~

(xvii) "Judicial branch" means any court or agency in the judicial branch;

(xviii) "Judicial officer" means any supreme court justice, district judge, circuit judge, chancery court judge, district court commissioner and magistrate;

STAFF COMMENT

The Committee may wish to consider whether the judicial branch and, in particular, judicial officers should be subject to the Ethics and Disclosure Act. Under the Wyoming Constitution, the Commission on Judicial Conduct and Ethics is responsible for considering complaints of judicial misconduct made against judicial officers and may discipline or recommend discipline of a judicial officer. Wyo. Const. art. 5, § 6. The Wyoming Supreme Court (or, if necessary, a special supreme court) has the authority to suspend or remove a judicial officer upon being charged or convicted of certain crimes or for willful misconduct or conduct prejudicial to the administration of justice, among other things. Id.

Inclusion of the judicial branch may raise separation-of-powers concerns. The Wyoming Supreme Court has stated that the "Wyoming Supreme Court makes the initial determination whether to impose discipline on a judicial officer." Neely

1 v. Wyo. Comm'n on Judicial Conduct & Ethics, 2017 WY 25, ¶
2 57, 390 P.3d 728, 747 (Wyo. 2017).

3
4 Research revealed no case concerning a judicial officer or
5 employee and the Ethics and Disclosure Act (likely because
6 the act expressly does not apply to them). But at least one
7 state has held that the provisions of its governmental-
8 ethics act that related to judges were unconstitutional as
9 violating the separation of powers. Cusack v. Howlett, 254
10 N.E.2d 506, 512 (Ill. 1969). The provisions in Cusack
11 concerned the legislature's authority to establish a
12 legislative committee to review potential judicial
13 impropriety. Another state has noted that the judicial
14 branch (specifically, the state's supreme court) has "an
15 inherent and implied power" to govern the ethics of all
16 members of the judiciary. See In re Kading, 235 N.W.2d 409,
17 412-13 (Wis. 1975).

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19 *****
20 *****
21

22 (xix) "Personal or private interest" means an
23 interest that is direct and immediate as opposed to
24 speculative and remote and that provides a greater benefit
25 or a lesser detriment than it does for a large or
26 substantial group or class of persons who are similarly
27 situated;

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29 (xx) "Private benefit" means the receipt of a
30 gift by the public official, judicial officer, public
31 member or public employee and the receipt of the gift
32 resulted from taking action or inaction or his holding that
33 office;

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10 **9-13-104. Nepotism.**

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12 (a) No public official, judicial officer, public
13 member or public employee shall advocate or cause the
14 employment, appointment, promotion, transfer or advancement
15 of a family member to an office or position of ~~the state, a~~
16 ~~county, municipality or a school district~~ a local office,
17 state entity or the judicial branch. ~~A public official,~~
18 ~~public member or public employee shall not supervise or~~
19 ~~manage a family member who is in an office or position of~~
20 ~~the state, a county, municipality or school district.~~

21

22 (b) A public official, judicial officer, public member
23 or public employee, acting in his official capacity, shall

1 not participate in his official responsibility or capacity
2 regarding a matter relating to the employment or discipline
3 of a family member.

4
5 (c) A public official, judicial officer, public member
6 or public employee shall not supervise or manage a family
7 member who is in an office or position of a local office,
8 state entity or the judicial branch, unless the family
9 member began employment in the local office, state entity
10 or judicial branch before the public official, judicial
11 officer, public member or public employee began supervising
12 or managing the family member.

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14 **9-13-105. Misuse of office.**
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16 (a) A public official, judicial officer, public member
17 or public employee shall not use public funds, time,
18 personnel, facilities or equipment for his private benefit
19 or that of another unless the use is authorized by law.

20
21 (b) A public official, judicial officer, public member
22 or public employee shall not use public funds, time,

1 personnel, facilities or equipment for political or
2 campaign activity unless the use is:

3
4 (ii) Properly incidental to another activity
5 required or authorized by law and the public official,
6 judicial officer, public employee or public member
7 allocates and reimburses the governmental entity for any
8 additional costs incurred for that portion of the activity
9 not required or authorized by law.

10
11 (c) A public official, judicial officer, public
12 employee or public member shall not disseminate to another
13 person official information which the public official,
14 judicial officer, public employee or public member obtains
15 through or in connection with his position, unless the
16 information is available to the general public or unless
17 the dissemination is authorized by law.

18
19 **9-13-106. Official decisions and votes.**

20
21 (a) A public official, judicial officer, public member
22 or public employee shall not make an official decision or
23 vote on an official decision if the public official,

1 judicial officer, public member or public employee has a
2 personal or private interest in the matter or obtains or
3 stands to obtain a private benefit from the matter. In
4 determining whether he has a personal or private interest
5 in a matter the public official shall recognize the
6 importance of his right to represent his constituency and
7 shall abstain from voting only in clear cases of a personal
8 or private interest ~~as defined in this subsection or a~~
9 private benefit. A public official or public member shall
10 not vote to give money or any direct financial benefit to
11 himself except for tax reductions affecting the general
12 public. ~~For the purposes of this section, a personal or~~
13 ~~private interest:~~

14
15 (b) A public official, judicial officer, public member
16 or public employee described by subsection (a) of this
17 section shall abstain from voting on the decision and from
18 making any official decision in the matter. The public
19 official's, judicial officer's, public member's or public
20 employee's abstention from voting must be recorded in the
21 governmental entity's official records.

22

1 **9-13-107. Actions taken while negotiating for**
2 **employment.**

3
4 A public official, judicial officer, public member or
5 public employee may not vote or take an official action in
6 a matter affecting a person with whom the public official,
7 judicial officer, public member or public employee is
8 negotiating for prospective employment.

9
10 **9-13-108. Disclosure required.**

11
12 (a) Not later than January 31 annually, each of the
13 state's five (5) elected officials and each member of the
14 Wyoming legislature shall file a financial disclosure form
15 with the secretary of state. The form shall be signed by
16 the elected official or legislator filing it and under a
17 certification that it is accurate. Except as otherwise
18 provided in this subsection, the financial disclosure form
19 shall contain the following information current as of
20 January 15 of that year:

21
22 (iii) A list of all state entities the person, or
23 the person's business enterprise in which the person owns

1 ten percent (10%) or more interest, has a contract with for
2 services and supplies in an amount greater than five
3 thousand dollars (\$5,000.00). The list shall include all
4 contracts subject to this paragraph entered into by the
5 elected official or legislator on and after January 15 of
6 the prior year. For each contract, this list shall include
7 the name and address of the business enterprise, if
8 applicable, and state entity, the type and description of
9 the contract and the effective date and term of the
10 contract. ~~For purposes of this paragraph "state entity" as~~
11 ~~defined in W.S. 9-13-102(a)(xv) shall include a court or an~~
12 ~~agency in the judicial branch.~~

13

14 (b) Forms may be submitted by facsimile transmission
15 under the same terms and conditions specified for campaign
16 reports under W.S. 22-25-106. ~~For the purposes of this~~
17 ~~section, "salaried employment" means an employment~~
18 ~~relationship under which the employee is compensated, at~~
19 ~~least in part, by payment of a specified dollar amount for~~
20 ~~each month, or longer period, of service.~~

21

22 **9-13-109. Penalties.**

23

1 (a) Any person, public official, public member,
2 judicial officer or public employee who violates this act
3 is guilty of a misdemeanor punishable upon conviction by a
4 fine of not more than one thousand dollars (\$1,000.00).

6 *****

7 *****

8 **STAFF COMMENT**

9
10 In light of the use of the broad term "person" in W.S. 9-
11 13-109(a) above, the Committee may wish to consider whether
12 it is necessary to include a list of specific persons
13 covered under the act (or, alternatively, whether "person"
14 should be stricken from the subsection).

16 *****

17 *****

19 (b) Violation of any provision of this act constitutes
20 sufficient cause for termination of a public employee's
21 employment or for removal of a public official, judicial
22 officer or public member from his office or position in
23 accordance with law.

25 **Section 2.** W.S. 9-13-102(a)(xii)(A) through (E), 9-13-
26 103(b) and 9-13-106(a)(i) and (ii) are repealed.

28 *****

29 *****

30 **STAFF COMMENT**

1
2 **The bill draft repeals the following provisions:**

3
4 **First, W.S. 9-13-102(a)(xii)(A) through (E) list the five**
5 **types of public employees who currently are covered by the**
6 **Ethics and Disclosure Act:**

7
8 **9-13-102. Definitions.**

9
10 (a) As used in this article:

11
12 (xii) "Public employee" means any of the
13 following state employees:

14
15 ~~(A) The attorney general and the director of~~
16 ~~any department of the executive branch appointed by the~~
17 ~~governor under W.S. 9-2-1706, or the director of any~~
18 ~~legislative agency;~~

19
20 ~~(B) The chief executive officer of any~~
21 ~~separate operating agency under W.S. 9-2-1704(d), except~~
22 ~~those listed in paragraphs (d)(vi) and (x) of that section;~~

23
24 ~~(C) To the extent the incumbent in the~~
25 ~~position serves at the pleasure of persons listed in~~
26 ~~subparagraphs (A) and (B) of this section, administrators~~
27 ~~of department or agency divisions, and deputy directors of~~
28 ~~departments;~~

29
30 ~~(D) Commissioners of the public service~~
31 ~~commission and members of the state board of equalization;~~

32
33 ~~(E) Deputies and administrators of divisions~~
34 ~~within the offices of state elected officials under W.S. 9-~~
35 ~~2-1704(a). The positions, in the governor's office, of~~
36 ~~chief of staff, attorney for intergovernmental affairs and~~
37 ~~chief of policy are included within this subparagraph.~~

38
39 **Next, W.S. 9-13-103(b) defines "private benefit"; this**
40 **definition is moved to W.S. 9-13-102 (the definitions**
41 **section) in this bill draft:**

42
43 **9-13-103. Use of title and prestige of public office.**
44

~~(b) As used in this section, "private benefit" means the receipt by the public official, public member or public employee of a gift which resulted from his holding that office.~~

Third, W.S. 9-13-106(a)(i) and (ii) define "personal or private interest"; this definition has also been moved to W.S. 9-13-102 in this bill draft.

9-13-106. Official decisions and votes.

(a) A public official, public member or public employee shall not make an official decision or vote on an official decision if the public official, public member or public employee has a personal or private interest in the matter. In determining whether he has a personal or private interest in a matter the public official shall recognize the importance of his right to represent his constituency and shall abstain from voting only in clear cases of a personal or private interest as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself except for tax reductions affecting the general public. For the purposes of this section, a personal or private interest:

~~(i) Is, with respect to the public official, public employee or public member, an interest which is direct and immediate as opposed to speculative and remote; and~~

~~(ii) Is an interest that provides the public official, public employee or public member, a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.~~

Section 3. This act is effective July 1, 2021.

(END)

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Electronic court filings.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to courts; requiring acceptance of
2 electronic filings in courts without an electronic filing
3 system; specifying applicability; specifying procedures;
4 and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 5-7-103 is amended to read:

9

10 **5-7-103. Filing, preserving and use of papers;**
11 **microfilming permitted; electronic filing.**

12

1 (a) The clerk shall file together and carefully
2 preserve in his office, all papers delivered or submitted
3 to him for that purpose in every action or proceeding. He
4 shall not permit the papers to be taken from his office
5 except to be used at a session of the court or upon legal
6 process, and he shall be liable upon his official bond to
7 the party suffering injury on account of any violation of
8 this ~~section~~-subsection. This ~~section~~-subsection shall not
9 apply to matters in probate. Upon the order of the judge of
10 the district, the clerk may transmit by express or
11 registered mail to an attorney of the state appearing in
12 the action or proceeding, who resides in a different county
13 or away from the county seat, such original files as are
14 not represented by copies in the clerk's office, and the
15 clerk shall take the attorney's receipt for each paper in
16 each case. Nothing in this section shall limit or prohibit
17 the clerk from microfilming papers in his office, disposing
18 of the originals in accordance with W.S. 9-2-411 and
19 retaining the official microfilm in lieu of the original
20 papers pursuant to W.S. 9-2-413.

21

22 (b) The clerk shall accept all papers filed, signed or
23 verified by electronic means including email. Any paper

filed by electronic means shall be followed by an identical
signed or otherwise duly executed original, or copy of any
electronic transmission other than facsimile transmission,
together with any applicable fee set by statute or rule,
mailed or submitted within twenty-four (24) hours of the
electronic transmission. The clerk upon receiving the
original or copy shall note its date of actual delivery,
and shall replace the electronic transmission in the court
file. A paper filed by electronic means in compliance with
this subsection constitutes a written paper for the purpose
of any applicable rules. All format requirements contained
in any applicable rules shall be followed. The court may
reject any paper filed that is not in compliance with this
subsection. This subsection shall not apply to any court
that has implemented, and has available for use, an
electronic filing system.

STAFF COMMENT

**This bill draft is based on the language in rule 5(e) of
the Wyoming Rules of Civil Procedure. The Committee may
wish to consider additional clarifying language addressing
the date of filing, including with respect to electronic
transmissions sent when the court is closed.**

1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6 (END)

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

District court administrative and fiscal control-repeal.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to district courts; repealing requirement
2 that district courts be free of administrative and fiscal
3 control by the supreme court; repealing the district court
4 judicial conference; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 5-3-102(b) is repealed.

9

10 *****
11 *****

12 **STAFF COMMENT**

13

14 **W.S. 5-3-102(b) is copied below:**

15

1 **"5-3-102. Number of judges; distribution among districts;**
2 **concurrent jurisdiction; judicial conference to adopt**
3 **rules.**

4
5 (b) The district courts shall be free of
6 administrative and fiscal control by the supreme court.
7 There shall be a judicial conference comprised of all
8 district judges which shall meet no less than twice per
9 year. The conference shall coordinate improvement efforts
10 with the judicial administrative conference and shall
11 report to the joint judiciary interim committee of such
12 efforts annually on or before November 1. The conference
13 shall adopt rules governing the organization and procedures
14 of the conference which shall be published in the court
15 rules volume of the Wyoming statutes. The conference shall
16 adopt rules, which shall be binding on all of the district
17 judges, governing the administration of the district courts
18 to include, without limitation, personnel, fiscal and
19 budgetary policy except technology which shall be done to
20 provide an integrated statewide system in accordance with
21 the efforts of the judicial technology task force. The
22 judicial conference shall also adopt suitable rules to
23 provide for division of the work between the judges in
24 multi-judge districts. The judicial conference shall keep
25 minutes of all meetings which, along with all rules adopted
26 by the conference, shall be filed with the supreme court
27 and be made available to the public."

28
29 **The Committee may wish to consider whether it wants to**
30 **repeal the district court judicial conference in its**
31 **entirety, or simply strike portions of the statute while**
32 **keeping the conference intact. The Committee may also wish**
33 **to consider:**

- 34
35 • **Who adopts rules governing the administration of the**
36 **district courts and whether the legislature should**
37 **decide that or the judicial branch.**
38 • **Whether there needs to be a requirement for an**
39 **integrated statewide system in terms of personnel,**
40 **budget, and fiscal policy.**
41 • **Whether there needs to be any provision for the**
42 **adoption of rules for dividing work between the judges**
43 **in multi-judge districts (if simply repealed, it**

1 stands that each district court could adopt those
2 rules, or the supreme court).
3 • Article 5, Section 1 of the Wyoming Constitution vests
4 the judicial power "in a supreme court, district
5 courts, and such subordinate courts" that the
6 legislature may establish. Article 5, Section 2
7 provides that the "supreme court . . . shall have a
8 general superintending control over all inferior
9 courts" Neither the Constitution nor Wyoming
10 case law describe (1) the nature of district courts in
11 Wyoming vis-à-vis the Supreme Court; and (2) whether
12 the "general superintending control" extends to the
13 administrative or fiscal control of district courts.

14 *****
15 *****
16

17 **Section 2.** This act is effective July 1, 2021.

18

19 (END)

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

District courts budget submittal-repeal.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to district courts; repealing budget
2 submittal requirements for district courts; and providing
3 for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 5-3-113 is repealed.

8

9 *****

10 *****

11 **STAFF COMMENT**

12

13 **The text of W.S. 5-3-113 is reproduced in full below:**

14

15 **5-3-113. District courts budget submittal.**

16

1 All district courts shall submit standard and supplemental
2 budget requests to the legislature not later than November
3 1 of the year preceding the fiscal year in which the
4 standard or supplemental budget is to take effect. The
5 district courts shall prepare all personal services budget
6 requests using the same methods and practices as the
7 executive branch.

8
9 **The Committee may wish to consider the following for this**
10 **bill draft:**

- 11
- 12 • **Article 5, Section 1 of the Wyoming Constitution vests**
13 **the judicial power "in a supreme court, district courts,**
14 **and such subordinate courts" that the legislature may**
15 **establish. Article 5, Section 2 provides that the**
16 **"supreme court . . . shall have a general superintending**
17 **control over all inferior courts" Neither the**
18 **Constitution nor Wyoming case law describe (1) the nature**
19 **of district courts in Wyoming vis-à-vis the Supreme**
20 **Court; and (2) whether the "general superintending**
21 **control" extends to the budgets of district courts.**
 - 22 • **W.S. 5-3-102(b) provides that district courts "shall be**
23 **free of administrative and fiscal control by the supreme**
24 **court." (A separate bill draft would repeal this**
25 **language.)**
 - 26 • **If this section is repealed, the Committee may wish to**
27 **consider whether the following should be addressed:**
 - 28 ○ **Who submits budgets for (or on behalf of) the**
29 **district courts.**
 - 30 ○ **Whether there should be a deadline for the**
31 **submission of standard and supplemental budgets for**
32 **the district courts (currently, November 1)**
 - 33 ○ **Whether there should be method/practice requirements**
34 **for submitting budget requests (currently, district**
35 **courts must use the same methods and practices as**
36 **the executive branch in submitting budget requests).**

37
38 *****
39 *****
40

41 **Section 2. This act is effective July 1, 2021.**

2021

STATE OF WYOMING

21LSO-0047
Working Draft
0.3

1

(END)

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Judicial workload assessments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to courts; requiring the completion of
2 judicial workload assessments for district courts and
3 circuit courts; specifying content for the assessments;
4 requiring reports; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 5-1-112 is created to read:

9

10 **5-1-112. Judicial workload assessments.**

11

12 (a) Not later than October 1, 2021 and not later than
13 October 1 in each year immediately preceding a budget

1 session of the legislature, the supreme court shall
2 complete or cause to be completed a judicial workload
3 assessment for each district court and circuit court of
4 Wyoming.

5
6 *****
7 *****
8 **STAFF COMMENT**

9
10 **The Committee may wish to consider whether the requirements**
11 **for conducting judicial workload assessments should include**
12 **the chancery court.**

13
14 *****
15 *****
16

17 (b) The judicial workload assessments required by this
18 section shall include:

19
20 (i) Weighted workload calculations based on
21 annual filings by case categories;

22
23 (ii) A calculation of the total judicial workload
24 and calculations of the total judicial workload for each
25 county and each judicial district;

26
27 (iii) The need for judicial services for each
28 county and judicial district relative to the number of

1 judges assigned to a judicial district and each county
2 within a judicial district;

3
4 (iv) Any other information required by the
5 supreme court.

6
7 (c) Not later than the date specified in subsection
8 (a) of this section, the supreme court shall submit the
9 judicial workload assessment required by this section to
10 the joint judiciary interim committee. The supreme court
11 shall include a report with the assessment highlighting
12 whether the assessment shows the need for additional or
13 fewer district or circuit judges within a judicial district
14 based on judicial need.

15
16 (d) The joint judiciary interim committee may develop
17 any necessary legislation in response to the assessment.

18
19 *****
20 *****
21 **STAFF COMMENT**

22
23 **The Committee may wish to consider whether subsection (d)**
24 **above is necessary to include in this bill.**

25
26 *****
27 *****

1

2 **Section 2.** This act is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming
5 Constitution.

6

7 (END)

Wyoming Rules of Civil Procedure

Rule 4. Summons.

(k) *Service by Publication.* Service by publication may be had where specifically provided for by statute, and in the following cases:

(10) In actions for adoption, ~~or for establishing a guardianship or a conservatorship,~~
and the termination of parental rights;

Rule 5. Serving and filing pleadings and other papers.

(d) *Filing.* —

(2) *How Filing Is Made — In General.* — A paper is filed by delivering it:

(A) to the clerk of court; or

(B) to a judge who agrees to accept it for filing, and who must then note the filing date on the paper and promptly send it to the clerk.

(3) *Acceptance by the Clerk.* — The clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local practice, except the clerk may refuse to file a paper that obviously does not comply with the Rules Governing Redactions from Court Records, the Rules Governing Access to Court Records, the Uniform Rules of the District Courts of the State of Wyoming, and the Uniform Rules of the Circuit Courts of Wyoming. See Rule 7, Rules Governing Redactions from Court Records. The clerk may refuse to accept email filings not substantially in compliance with this Rule. The clerk will promptly notify the filer of such rejection.

(e) *Filing with the court defined.* —

(1) Initial pleadings (complaints or petitions) must be submitted in paper along with the filing fee.

(2) All pPapers other than the initial pleading may be filed, signed, or verified by electronic means (including but not limited to email). A paper filed by electronic means in compliance with this rule constitutes a written paper for the purpose of these rules. No document made confidential by state statute, court rule, or court order, or any paper containing confidential information which has not been redacted in accordance with the Rules Governing Redaction from Court Records shall be filed by email. No documents shall be transmitted to the court by facsimile or electronic means for filing without prior telephonic notification to the clerk of court. Only under emergency circumstances shall documents be filed by electronic means (including but not limited to email) or facsimile transmission.

(3) Any pPapers filed by electronic means must comply with the following:

(A) be followed by an identical signed or otherwise duly executed original, or copy of any electronic transmission other than facsimile transmission, together with the fee as set forth in the Rules For Fees and Costs For District Court or the Rules For Fees and Costs For Circuit Court, mailed within 24 hours of the electronic transmission. See U.R.D.C. 203. The clerk upon

~~receiving the original or copy shall note its date of actual delivery, and shall replace the facsimile or other electronic transmission in the court file. A paper filed by electronic means in compliance with this rule constitutes a written paper for the purpose of applying these rules.~~

(B) the party or attorney making the filing may use

(i) a scanned original signature, or

(ii) may use a conformed signature. A conformed signature is used to indicate a real signature in place of an original. For example “/s/ Jane Doe.” Whether a scanned original is used or a conformed signature is used, the signature line of the filing shall be accompanied by an attestation that an original signature is on file with the person who made the filing. The following form would constitute a conformed signature and an attestation:

/s/ Jane Doe

Jane Doe

Counsel for Petitioner

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this electronically filed document.

(iii) All notarized documents must be filed as scanned originals.

(C) comply with the formatting requirements of applicable rules;

(D) No document which exceeds ten (10) pages in length may be filed by facsimile or electronic means. Cannot exceed fifty (50) pages in length unless the filer has given prior telephonic notification and received permission of the clerk of court.

(E) Multiple pleadings may be attached to a single email if they do not exceed fifty (50) pages in total, but each pleading must be a separate PDF. Pages must be numbered. No email shall contain pleadings for more than one case, and the case number shall be reflected in the subject line.

(F) Clerks will print documents only in black and white.

(G) Filing by email is certification that the documents are virus free. Filer will be charged for any cost incurred as a result of a transmitted virus.

(H) Email filing must be sent to the designated email address for that clerk’s office. Clerks may require filers to obtain approval prior to filing.

All format requirements contained in applicable rules must be followed.

(4) The court may reject any paper filed not in compliance with this rule.

Rule 39. Trial by jury or by the court.

(a) *By Jury.* When a jury trial has been demanded under Rule 38, the action must be designated on the docket as a jury action. The trial on all issues so demanded must be by jury unless:

(1) the parties or their attorneys file a stipulation to a nonjury trial or so stipulate on the record; or

(2) the court, on motion or on its own, finds that on some or all of those issues there is no right to a jury trial; or

(3) when a party to the issue fails to appear at the trial, the parties appearing consent to trial by the court sitting without a jury.

Uniform Rules for District Courts of the State of Wyoming

Rule 203. Default; dismissal for lack of prosecution.

(d) If payment for papers filed by electronic means pursuant to Wyoming Rule of Civil Procedure 5(e)(3)(A) is not received by the district court clerk within ten (10) days of the clerk's receipt of the electronic filing, the clerk may report that failure to the judge, who may strike the pleading or dismiss the case.

(~~d~~-e) Dismissal with prejudice shall be in conformity with the Wyoming Rules of Civil Procedure.

Rules for Fees and Costs for District Courts

Rule 4. Fee for ~~facsimile~~ electronic transmission.

The clerk shall charge \$~~2~~4.00 per page to transmit or receive an electronic transmission, including facsimile or email, unless the court has authorized a party to proceed in forma pauperis.

Rules for Fees and Costs for Circuit Courts

Rule 4. Fee for ~~facsimile~~ electronic transmission.

The clerk shall charge \$~~2~~4.00 per page to transmit or receive an electronic transmission, including facsimile or email, unless the court has authorized a party to proceed in forma pauperis.



Circuit Court of the Third Judicial District Sweetwater County, State of Wyoming

John R. Prokos
Circuit Court Judge

Kori Rossetti
Clerk of Court

Craig L. Jones
Circuit Court Judge

50140C US HWY 191 South, Suite 200
Rock Springs, WY 82901

307-922-5220 (Phone)
307-352-6758 (Fax)

July 20, 2020

Chief Justice Michael K. Davis
Wyoming Supreme Court
2301 Capitol Avenue
Cheyenne, Wyoming 82002

Re: Administrative judge for 2020-2021.

Chief Justice Davis:

It is July. July marks a major rite here in the circuit court of Sweetwater County--the request to change over the duties of administrative judge. Judge Jones took over last year once the BJPA made things official; thus it is once again my turn to accept the title. If the issue could be addressed at the next BJPA meeting we would be most appreciative. Thank you for your time. We are still working on an appropriate ceremony to honor the occasion.

Sincerely,

John R. Prokos
Circuit Court Third Judicial District
Sweetwater County

ccc: Hon. Craig L. Jones
Kori Rossetti