

October 7, 2020 – News Release

Email filing adopted by rule, replacing the temporary Covid-19 rule to give parties optional filing method will be in effect December 7, 2020

Parties choosing to have the court clerks print their emailed documents will be charged

Chief Justice Michael Davis announced that the Wyoming Supreme Court yesterday adopted a package of rule amendments that provides an option for attorneys and parties to file their papers via email, putting in place permanently the temporary email filing that was allowed under the Court's Covid-19 orders. Adoption of these amendments was recommended by the Permanent Rules Advisory Committee (Civil Division), which is composed of 7 members of the Wyoming State Bar, 3 judges, 2 lay members, 1 clerk of district court, and 1 Supreme Court justice, who serves as chair of that committee. The amendments to Wyoming Rule of Civil Procedure 5(e) provide for most pleadings to be filed via email, and do not require a paper copy to follow. The rule contains other provisions addressing such matters as signature, formatting, and virus protection, to address the concerns of the clerks of court regarding the integrity of the court records they are charged with maintaining. The rules were a cooperative effort of the clerks of district and circuit court, the Permanent Rules Advisory Committee (Civil Division), and the Wyoming Supreme Court. The full text of the rule can be found at <https://www.courts.state.wy.us/wp-content/uploads/2020/10/Order-WRCP-4-5-and-39.pdf>

Email filing essentially maintains the old system of paper filing, but gives attorneys and parties the option of shifting the cost and time of printing to the clerks of district and circuit court. When they receive an email filing, clerks still must print and stamp the document, incurring costs for paper, ink, and time. That is why the Rules for Fees and Costs of District Court and Circuit Court have also been amended. Rule 4 in each of those Rules, which has always provided for a \$1 per page charge for fax filings, is amended to permit the same \$1 per page charge for email filing. The rules also allow for those fees to be waived if the party is indigent or is entitled to representation by appointed counsel. These rules can be found at <https://www.courts.state.wy.us/wp-content/uploads/2020/10/Order-DC-cost-rule-4.pdf>.

Finally, to ensure that the clerks receive the payment they are due, U.R.D.C 203 is amended to allow clerks the request the judge strike pleadings which have not been paid for within 10 days of email filing. <https://www.courts.state.wy.us/wp-content/uploads/2020/10/Order-URDC-203.pdf>

Email filing is a temporary measure until efilng is in place. The Court has been working on efilng for several years, and members of the bar are understandably impatient. Court IT are in the process of rolling out the case management system that must be in place before efilng can be accomplished. Efilng, unlike email filing, will provide a secure method of transferring documents electronically from the filer to the clerk's office, and includes such features as verification of the user's identity, date and time stamp, notification of receipt, and automatic transfer of documents to the case management system. It is a complex process with many parts

and it takes time, money and staff. The Court is dedicated to making a reliable efilng system available as soon as possible within the constraints of its resources and personnel. Meanwhile, email filing is an option which parties may choose to avail themselves of, or they may continue to file paper copies by hand or other delivery method. There is no fee increase if parties choose to continue to file paper documents.