

Rule One Expedited Marriage Dissolution Case Pilot Project

Securing the Just, Speedy and Inexpensive
Resolution of Divorces in Wyoming

Wyo. R. Civ. P. 1 states:

- ▶ “These rules govern procedure in all courts of record in the State of Wyoming, in all actions, suits or proceedings of a civil nature and in all special statutory proceedings except as provided in Rule 81. **They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action.**”



The History of The Rule 1 Study Group:

- ▶ A collaboration of Wyoming justices, judges, and attorneys dedicated to the promotion of greater accessibility, efficiency, and accountability in the civil justice system
- ▶ Conducted surveys of judges and attorneys
- ▶ Reviewed “time to disposition” studies
- ▶ Proposed amendments to the Wyoming Rules of Civil Procedure
- ▶ Created the Expedited Marriage Dissolution Case Pilot Project



What is the EMDC Pilot Project?

- ▶ A one-year effort to address “just, speedy, and inexpensive” issues in divorce cases. Anticipated start date: January 1, 2015
- ▶ “Temporary Rules for Expedited Marriage Dissolution Cases,” passed by Wyoming Supreme Court, effective July 1, 2014
- ▶ Will allow further analysis of divorce proceedings to assess the need for future changes, if any.

Introducing The Pilot Courts...



- ▶ **Laramie County**
(Judges, Campbell, Sharpe & Rogers)
- ▶ **Albany County**
(Judge Donnell)
- ▶ **Goshen County/Platte County**
(Judge Kautz)
- ▶ **Campbell County & Crook County**
(Judges Deegan, Perry & Rumpke)

Who Can Participate?

YES

- ▶ Divorces
- ▶ With or Without Children
- ▶ Both parties consent

NO

- ▶ Modifications
- ▶ Post-Trial Issues (OSC)
- ▶ Paternity
- ▶ Defaults

How to “Opt In”:

- › Requires consent of *both* parties
 - Not available in cases of default
- › File a “Stipulated Consent” with the Court
 - Within 30 days after service, acceptance of service, acknowledgement, or waiver of service
- › Verbally Consent at Scheduling Conference
 - Parties and/or counsel must be present



What Happens Next?

- › Scheduling Conference with Court within 30 days of Opt-In
 - All parties must be present
- › Disclosures Due within 30 days of Opt-In
- › Expedited Trial Setting within 120 days after Scheduling Conference

Old vs. New

- | | |
|---|--|
| <ul style="list-style-type: none"> › Undetermined time to trial › No specific limits on discovery › Length of trial variable › Continuances may extend proceedings indefinitely › Courts may require GALs, mediation, etc. › Unknown time to final decision/order | <ul style="list-style-type: none"> › Trial within 150 days of Opt-In › Discovery limits (EMDC Rule 7) › Trial: 4 hours (max.) › No continuances, absent “good cause and undue hardship” › No required mediation › No required GAL › Final order/decreed within 30 days of trial |
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Traditional Divorces

EMDC Proceedings

Assignments (EMDC Rule 9)

- EMDC may be assigned to Circuit Judges and/or Special Masters (at option of District Judge)
- Allows for settings and resolution of cases in accordance with EMDC timelines
- District Judge approves final orders
- Proceedings may be reported or digitally recorded

Pro Se Cases (EMDC Rule 10)

- Allows Court to inquire of parties
- Judge takes more active role
- Relaxed rules of evidence
- No independent duty to address issues not raised by parties. Waiver of issues not presented to court at time of trial.

Benefits for You?

- Realistic retainers = more paying clients
- Resolution before retainer runs out = you get paid!
- Efficiency in disposition of case = better case & client management
- Reduction in "frivolous" issues
- Avoidance of cost-prohibitive measures & delay tactics (ADR, GALs, continuances, etc.)
- Most importantly, ***SATISFIED CLIENTS***

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Questions?
