

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2020

In the Matter of Amendments to)
Rules 4, 5, and 39 of the Wyoming)
Rules of Civil Procedure)

**ORDER AMENDING RULES 4, 5, AND 39 OF THE WYOMING
RULES OF CIVIL PROCEDURE**

The Permanent Rules Advisory Committee, Civil Division, and the Board of Judicial Policy and Administration have recommended the Court amend Rules 4, 5, and 39 of the Wyoming Rules of Civil Procedure. This Court finds the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Rules 4, 5, and 39 of the Wyoming Rules of Civil Procedure, attached hereto, be and hereby are adopted by the Court to be effective December 7, 2020; and it is further

ORDERED that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall also be recorded in the journal of this Court.

DATED this 6th day of October, 2020.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice

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), and applications for civil writs, must be submitted in paper along with the filing fee.

(2) All papers other than the initial pleading or an application for a civil writ 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. if the necessary equipment is available to the clerk. 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 papers 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.
