

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2024

In the Matter of Adoption of)
the Wyoming Rules for)
Electronic Filing and Service)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

FEB 04 2025

SHAWNA GOETZ, CLERK
Carly M. Pardo
by DEPUTY

ORDER ADOPTING THE WYOMING RULES FOR ELECTRONIC FILING AND SERVICE

The eFiling Committee has recommended that the Court adopt the Wyoming Rules for Electronic Filing and Service to create a single set of rules for all Judicial Branch trial courts in the state. The Court finds the proposed rules should be adopted. It is, therefore,

ORDERED that the Wyoming Rules for Electronic Filing and Service, attached hereto, be, and hereby are, adopted by the Court to be effective April 5, 2025; and it is further

ORDERED that the Wyoming Rules for Electronic Filing and Service in District Court and the Wyoming State Chancery Court Electronic Filing Administrative Policies and Procedures Manual shall be repealed and replaced by the Wyoming Rules for Electronic Filing and Service, and it is further

ORDERED that this order and the attached rules be published in the advance sheets of the Pacific Reporter; the attached rules be published in the Wyoming Court Rules Volume; and that this order and the attached rules be published online at the Wyoming Judicial Branch’s website, <http://www.courts.state.wy.us>, on the “Rule Amendments” page. The attached rules shall thereafter be recorded in the journal of this Court.

DATED this 4th day of February, 2025.

BY THE COURT:

Kate M. Fox

KATE M. FOX
Chief Justice

Wyoming Rules for Electronic Filing and Service

Rule 1. Purpose and scope of rules.

(a) *Purpose.* — These rules, which will be known as the “Wyoming Rules for Electronic Filing and Service” establish the procedures for electronic filing and service of documents in the Wyoming trial courts through the Electronic Filing System (EFS).

(b) *Scope.* —

(1) These rules govern the electronic filing and service of documents in Wyoming trial courts. These rules supersede other Wyoming trial court procedural rules in such matters as electronic filing and service, and in case of any conflict between these rules and other court rules or statutes, these rules shall prevail.

(2) No trial court may establish eFiling rules applicable only in that court.

Rule 2. Definitions.

(a) The following definitions shall apply:

(1) “Business Day” means Monday through Friday 8:00 am to 5:00 p.m. Mountain Time, excluding official state holiday closures and other court closures.

(2) “Case Management System” means an electronic system that houses court records and manages the coordination of court processes and resources from filing to disposition.

(3) “Document” means any filing with, or entry by, the court or any other paper or record associated with a case that is eServed on another party.

(4) “Electronically File” or “eFile” means uploading a document directly to the electronic filing system to file that document in the court’s Case Management System.

(5) “Electronically Serve” or “eServe” means uploading a document directly to the electronic filing system to electronically serve that document on parties to a case,

(6) “Electronic Filing System” or “EFS” means the web-based user interface system provided by the Wyoming Judicial Branch for registered users to electronically submit documents and serve parties in court matters.

(7) “Filer” or “Registered User” means an individual who has registered to use the EFS pursuant to Rule 4 and has obtained a unique username and password to eFile and eServe documents in court matters via the EFS.

(8) “In Camera” means a confidentiality designation for an eFiled document limiting access to the document to the filer and the judge assigned to the case.

(9) “Notice of Electronic Filing” or “NEF” means a courtesy notice generated by the EFS and delivered to the registered user’s email that a document has been submitted or accepted through the EFS.

(10) “Online Inbox” means a registered user’s online inbox accessible via the EFS.

(11) “.pdf” means Portable Document Format, a proprietary file format developed by Adobe Systems, Inc.

(12) "Public" means a designation for an eFiled document providing full access to the document.

(13) "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.

(14) "Technical error" means a malfunction of the EFS or Wyoming Judicial Branch hardware, software, or telecommunications facility that prevents a registered user from eFiling or eServing a document. Technical error does not mean failure of a registered user's equipment, software, hardware, telecommunications facility, internet service, or any other failure attributed to the registered user.

(15) "Traditional filing" means submitting a filing to the clerk's office in paper or other tangible form.

Rule 3. Official Court Record.

(a) The official court record is the electronic case file maintained by the clerk's office in the Case Management System, as well as any Traditional Filings maintained by the clerk in accordance with these rules.

(b) If a clerk digitizes, records, scans or otherwise reproduces a Traditionally Filed document, the official court record of the document is the electronic record housed in the Case Management System.

(c) Certified and exemplified copies of eFiled documents may be obtained from the clerk by requesting a copy in person or mailing the request to the clerk. Each request must designate the case number and document by title. Requests submitted by mail must include a self-addressed, stamped return envelope, and the applicable fee (as determined by court-specific Rules for Fees and Costs).

Rule 4. Electronic filing eligibility, registration, and user requirements.

(a) *Eligibility.* — Persons identified below may eFile and eServe documents upon compliance with subsection (c) of this Section.

(1) Wyoming licensed attorneys;

(2) Wyoming licensed attorneys' designated staff. Attorneys will be responsible for non-attorney conduct according to the Rules of Professional Conduct for Attorneys at Law, Rule 5.3; and

(3) Self-represented individuals in chancery court who are not licensed attorneys.

(b) *Ineligibility.* — Unless the court orders otherwise:

(1) Counsel admitted pro hac vice may not eFile documents and must have documents eFiled by local counsel;

(2) Self-represented litigants in district or circuit court who are not Wyoming licensed attorneys may not eFile or eServe documents; and

(3) State agency personnel who are not filing through an attorney may not eFile or

eServe documents.

(c) *Registration.* — To access and use the EFS, a filing party shall:

- (1) Complete training on the EFS;
- (2) Pass an eFiling proficiency exam;
- (3) Register for access to the EFS;
- (4) Agree to be bound by, and to comply with, the terms of service when using the EFS;
- (5) Agree to comply with these Rules, the Wyoming Rules Governing Access to Case Records, and all other applicable court rules;
- (6) Maintain at least one working email address at which the Filer agrees to accept email notifications from the EFS; and
- (7) Provide all information necessary to ensure filing fees may be paid through the EFS.

(d) *User requirements.* —

(1) Each eligible person who completes registration as set forth in subsection (c) of this Rule will be issued one username and password. Each Registered User is responsible for all documents eFiled and eServed under his or her unique username and password. Registered attorneys are responsible for the actions of their staff in accordance with Rule 5.3 of the Rules of Professional Conduct for Attorneys at Law. If a Registered User believes the security of his or her password has been compromised, the Registered User must change the password and immediately notify the Administrative Office of the Courts of the Wyoming Judicial Branch at ctoappteam@courts.state.wy.us and the EFS at 1-888-529-7587, or via email at support@fileandserve.com.

(2) Users registering in accordance with subsection (c) of this Rule consent to receive electronic notifications and electronic service.

(3) Registered Users may not opt out of receiving NEFs.

Rule 5. Electronic filing of documents.

(a) *eFiling.* —

(1) Ninety (90) days after implementation of eFiling in a court or, for courts that have previously adopted eFiling, ninety (90) days after the effective date of this rule, all filings by attorneys eligible to eFile pursuant to Rule 4(a) must be eFiled through the EFS.

(2) Notwithstanding Rule 5(a)(1), the following filings must be Traditionally filed:

(A) When the court finds exceptional cause exists to allow a document to be Traditionally Filed;

(B) When the attorney is representing a person or entity who is not a party to the case, i.e., intervenor, amicus, witness, etc., except in chancery court where this exception does not apply;

(C) A document or image that is prohibited from electronic storage by federal or state law, including but not limited to, sexually explicit images of a minor;

(D) A non-paper or oversized exhibit;

(E) Any document or thing that cannot be scanned or otherwise converted to a .pdf;

(F) Original wills filed for the first time in a matter;

(G) Warrants, not including bench and arrest warrants requested or issued in a filed case;

(H) Grand Jury Materials; and

(I) Requests for waiver of filing fees in civil cases.

(3) Unless otherwise ordered, when a Filer Traditionally Files a subsequent filing in accordance with subsection (2) of this Rule, the Filer must eFile notice of the Traditional Filing, and eServe all Registered Users appearing in the case with such notice.

(4) The clerk shall digitize, record, scan, or otherwise reproduce a document that is Traditionally Filed into an electronic record, document, or image, unless an original document is required by state statute, court rule, or the document cannot be reproduced into an electronic record. In addition, exhibits that cannot be scanned into an electronic record and uploaded into the EFS shall be kept in their physical form by the clerk of court at the time of filing. A physical document that has been converted into an electronic record, document, or image may be destroyed at the discretion of the clerk.

(5) eFiled documents shall not be subsequently Traditionally Filed.

(6) Any document not eFiled in accordance with subsection (a)(1) may be rejected by the clerk.

(b) *Time of eFilings.* —

(1) A “day” begins at 12:00 a.m. (Mountain Time) and ends at 11:59:59 p.m. (Mountain Time).

(2) A document is deemed filed upon submission to the EFS.

(3) The EFS will affix the date and time of submission upon the filed document. Questions of timeliness will be resolved by the date and time affixed to the eFiling by the EFS.

Rule 6. Quality control.

(a) *Non-conforming eFilings.*

(1) Filings which fail to comply with the provisions of these rules may be removed from the court record by the clerk within three (3) Business Days of filing.

(2) Filings which fail to comply with provisions of these rules may be stricken from the court record by the judge after three (3) Business Days of filing.

(3) In the event a filing is stricken or removed from the court record, the clerk shall remove the stricken or removed filing from the record and, except as stated in subsection (b)

and (d), enter a docket entry that includes the Transaction ID or eFile Portal ID and reads, "Disregard. Filing stricken." The clerk shall notify the parties when a filing is stricken or removed from the court record.

(4) Filings that are stricken or removed from the court record and refiled may relate back to the date of the stricken or removed filing at the discretion of the judge.

(b) *Duplicate eFilings.* Notwithstanding Rule 6(a), 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 include a docket entry that includes the Transaction ID or eFile Portal ID and indicates why the filing was removed.

(c) *eFiling Errors.* Documents filed with the incorrect case number, case type, or document type may be changed by the clerk without approval by the Filer. In the event the clerk changes a filing in accordance with this subsection, the clerk shall provide notice to the Filer.

(d) *Filing in the Wrong Court.*

(1) Documents eFiled in the wrong court that do not initiate the case may be removed by the clerk upon request from the Filer. In the event a filing is removed pursuant to this subsection the clerk shall not include a docket entry that reads, "Disregard. Filing stricken."

(2) Documents eFiled in the wrong court that initiate a case (e.g., complaint, petition, etc.) may not be stricken or removed from the court record until those documents have been received into the Case Management System. Once a case-initiating document has been received into the Case Management System, the Filer must file a motion and a proposed notice closing the case to close the case and state that the filing was filed in the wrong court. Upon filing of the motion, the clerk shall issue a notice closing the case. If any money or fees were paid to the incorrect court, those fees shall be refunded upon proof from the Filer that the documents were filed in the correct court.

(e) *Compliance Responsibility.* Neither the clerk nor the judge is required to review eFiled documents to ensure compliance with the Wyoming Rules Governing Access to Case Records. The Filer is responsible for ensuring compliance with all applicable court rules and statutes.

Rule 7. Electronic service of documents.

(a) *Mandatory eService.* In courts where eFiling is mandatory, every eFiled document must be eServed upon Registered Users, unless the court orders otherwise or the document is subject to the exceptions set forth in Rule 5(a)(2) or requires personal service pursuant to Rule 4 of the applicable procedural rules.

(b) *Service on Non-Registered Parties.* All participants in a case who are required to be served and who are not Registered Users must be served outside the EFS consistent with the applicable procedural rules.

(c) *Time and completion of service.*

(1) When a Registered User eServes a document, the EFS will generate a notification to the Online Inbox of the parties served if they are Registered Users who have appeared in the action. Generation of the notice in the Online Inbox of the Registered User constitutes service, and paper service is unnecessary.

(2) All NEFs are considered a courtesy. NEFs shall not constitute service and are provided solely as a convenience.

(d) *eService of Discovery*. Discovery documents may be eServed through the EFS's "serve only" function but shall not be filed with the court.

Rule 8. Format requirements.

(a) *Electronic format and size.* —

(1) When feasible, an eFiled document should be directly converted to .pdf rather than scanned to make the document searchable.

(2) 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. Separate files under this subsection 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."

(3) Each eFiled document must be formatted in accordance with all applicable rules governing formatting of paper documents. Before conversion to .pdf, each document must:

(A) Be 8 ½" by 11" in its original form, and any attachments or appendices that are larger or smaller, should be reduced or enlarged to 8½" by 11";

(B) Have a font of not less than 12-point; and

(C) Be clearly legible.

(4) 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. A document that is an exhibit to a motion may be filed together with the motion as one combined .pdf.

(5) 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. Court reporters who eFile transcripts are exempt from this format requirement.

(6) All eFiled documents relating to a single pleading or document submitted in the same electronic transaction shall be "electronically stapled" using the "main" and "supporting" functionality of the EFS so that multiple related documents, such as a motion and proposed order, are linked logically together and identified as a single transaction.

(b) *Proposed orders.* —

(1) Except as set forth in subsection (b)(4), proposed orders filed for the consideration of the presiding judge shall be filed in an editable Microsoft Word document format.

(2) Proposed orders shall have a blank header that extends at least 3-inches from the top of the first page.

(3) A proposed order shall not be file-stamped until it becomes a final order signed by the judge.

(4) Proposed stipulated orders, which are signed by the parties, may be filed in .pdf

format.

(5) All proposed orders shall be a “supporting” document to a “main” document.

(c) *Electronic signatures.* —

(1) A document may be electronically signed by:

(A) Inserting a digital image of the signing party’s handwritten signature into the document; or

(B) Using signature block that includes the typed name of the individual preceded by a “/s/” in the space where the signature would otherwise appear. An example of a signature block with “/s/” is:

/s/ John Q. Smith

JOHN Q. SMITH

(2) By submitting a document through the EFS, the attorney is certifying compliance with the Wyoming Rules of Civil Procedure, Rule 11. Signing Pleadings, Motions, and Other Papers: Representations to the Court; Sanctions.

Rule 9. Technical errors.

(a) A Filer may obtain relief if a Technical Error prevents the EFS from receiving an eFiling.

(b) Upon satisfactory proof of such an occurrence, the court shall permit the filing date of the document to relate back to the date the Filer first attempted to submit to the EFS.

(c) When a Technical Error occurs, the court may, in its discretion, adjust the time for responsive pleadings, continue court hearings, or provide other relief as necessary.

(d) To obtain relief under this Rule, a Filer must file a motion and proposed order with the court within one (1) business day after the Technical Error is resolved. The motion must include:

- (1) The date of the original attempted submission;
- (2) The date the Filer was notified the submission was not successful;
- (3) An explanation of the reason for requesting that the date of filing relate back to the original submission; and
- (4) Supporting exhibits that substantiate the Technical Error.

(e) Registered Users should direct technical and operational questions about the EFS and requests for documentation substantiating Technical Errors to File & ServeXpress at its toll-free number 1-888-529-7587, or via email at support@fileandserve.com.

Rule 10. Privacy protections.

(a) It is the responsibility of the Filer to ensure that protected personal data identifiers are omitted or redacted from documents in compliance with the Wyoming Rules Governing

Access to Case Records.

(b) When the Wyoming Rules Governing Access to Case Records require a Filer to file both a redacted and unredacted version of a document, the Filer should eFile a redacted version designated as Public in the EFS and 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.

Rule 11. Transcripts.

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

(1) eFile the transcript using the “file only” functionality in the EFS and designate the document as In Camera to ensure access by chambers, but prevent access to the transcript through the EFS by parties or the public without purchase; and

(2) eFile and eServe on all parties who have electronically appeared in the action a “Notice of Filing Transcript” containing the court reporter’s contact information and instructions for purchasing the transcript.

(b) Notwithstanding the In Camera designation 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, after appropriate redactions if needed.

Rule 12. Judicial discretion.

Judges may use their discretion when appropriate to provide relief for Electronic Filing and Electronic Service errors where good cause is shown.

Rule 13. Sanctions.

At the discretion of the court, the failure of any Filer to comply with these rules or the Wyoming Rules Governing Access to Case Records may result in:

- (a) Reprimand;
- (b) Monetary sanctions;
- (c) Striking of eFiled documents;
- (d) Costs; and
- (e) Other sanctions.

