

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 1965

DEC 22 1965

In the Matter of Wyoming Rules)
of Civil Procedure and Rules)
of the Supreme Court of Wyoming)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

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O R D E R

John M. Lumb
CLERK

It is ordered that Rule 76, Wyoming Rules of Civil Procedure, and Rules 2, 9, 12(b), and 12(c)(4), Rules of the Supreme Court of Wyoming, be amended to read as follows, the amending portions being in italics and the deleted portions indicated by asterisks:

RULE 76

RECORD ON APPEAL TO THE SUPREME COURT; AGREED STATEMENT

When the questions presented by an appeal to the supreme court can be determined without an examination of all the pleadings, evidence, and proceedings in the court below, the parties may prepare and sign a statement of the case showing how the questions arose and were decided in the district court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the questions by the supreme court. The statement shall include a copy of the judgment appealed from, a copy of the notice of appeal with its filing date, and a concise statement of the points to be relied on by the appellant. If the statement conforms to the truth, it, together with such additions as the court may consider necessary fully to present the questions raised by the appeal, shall be approved by the district court and shall then be certified to the supreme court as the record on appeal. * * * Five copies of the agreed statement shall be filed in the supreme court.

RULE 2

CLERK OF THE COURT

The clerk of the court shall reside at the capital of Wyoming and keep his office at the Supreme Court and Library Building and shall not practice as an attorney or counselor in this or any other court while he continues in such position. He shall have the custody of the seal and all records, books and papers appertaining to the court and the proceedings therein. He shall keep a record of all proceedings of the court, and for this purpose shall keep a journal, an appearance docket * * *, a roll of the attorneys admitted to practice in the court showing the date of their admission, and a book for noting the filing of applications for admission to the bar and the proceedings thereon. He shall record in the journal as they occur the orders, judgments and other proceedings of the court which are proper to be recorded therein. He shall enter each case upon the appearance docket in the order in which it is commenced or filed, numbering the cases consecutively. At the time of the commencement or filing of a case, he shall enter on the appearance docket the full names of the parties, with the names of counsel then appearing, or shown by the papers on file, and thereafter, whenever they appear, the name or names of other counsel, and shall note under the case so docketed at the time the same occurs the filing of the various papers, the issuance of any process, the orders made in the case, the fees and

taxation of costs, and whenever any fees are paid or advanced the amount and date thereof and the party paying or advancing the same, and such other proceedings, if any, as may be necessary from time to time to show the condition of the case. Whenever a decision is rendered the clerk shall promptly give notice thereof by mail or telephone call to an attorney on each side, unless such attorneys are in attendance at the time the decision is announced.

RULE 9

COSTS IN OTHER CASES

No supreme court fees shall be collected in criminal cases properly coming to this court on reserved questions or by bill of exceptions of a prosecuting attorney unless otherwise provided by statute.

In all other cases when a judgment or final order is affirmed, appellee shall recover his costs; when a judgment or final order is reversed, the appellant shall recover his costs; and when reversed in part and affirmed in part, the court may apportion the costs between the parties in such manner as it deems equitable; and there shall be taxed as part of such costs the cost of making the transcript of the evidence in the case * * * and the cost of typewriting or printing briefs, such costs to be computed at the rate allowed by law for making the transcript of such evidence; provided, however, that the court may, by order entered of record, refuse to allow as part of such costs, the costs as may result from the insertion in the transcript of the evidence or in the briefs such parts as may clearly appear to have been unnecessary.

RULE 12

BRIEFS

(b) Statement of Case. * * * Appellant shall set forth in his brief a short and clear statement disclosing:

- (1) The nature of the action.
- (2) What the issues were.
- (3) How the issues were decided, and what judgment or decree was given.
- (4) A concise statement of the ultimate facts of the case material to determination of the issues presented in this court, as appellant contends them to be proved by the evidence submitted upon the trial; or when questions of fact were not tried in the trial court and are unnecessary in the determination of the action by this court, a concise statement of the contentions made by the pleadings or other papers on which are based the questions raised on the issues tried in the trial court and brought to this court for review. The statement shall not contain evidentiary matter unless material to a proper consideration of the questions presented, in which instance a reference shall be made to the page of the record where

such evidence appears. In addition to the foregoing, the appellant shall state briefly any other matters of fact necessary to inform the court of the issues and points raised upon the appeal, insofar as such facts are legally a part of the record. If the appellee disagrees with appellant's statement of the case, he shall set forth in his brief in a supplemental statement each correction or addition which he desires to make or considers material.

The statement of the case shall not contain argument. In the interest of brevity an appellant or appellee may cause any part or parts of the statement of the case to be placed in an appendix to be filed as a part of, or separately from but simultaneously with, his brief, in which event references thereto in his brief shall be to both the page numbers of the record and the pages of the appendix.

- (c)(4) A succinct statement of the argument of the party presenting the brief, including a specific enumeration by appellant of the points upon which he relies for reversal or modification.

It is further ordered that this order be published in the advance sheets of the ensuing volume of the Wyoming Reporter; that these changes in the Wyoming Rules of Civil Procedure and Rules of the Supreme Court of Wyoming become effective ninety days from the date of this order; and that this order be spread at length upon the journal of this court.

Dated at Cheyenne, Wyoming, this 22nd day of December, 1965.

BY THE COURT:


GLENN PARKER
Chief Justice