

IN THE SUPREME COURT, STATE OF WYOMING

APRIL TERM, A.D. 1984

IN THE MATTER OF AMENDING)
RULE 40.1, WYOMING RULES OF)
CIVIL PROCEDURE; and RULE 23,)
WYOMING RULES OF CRIMINAL)
PROCEDURE.)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

AUG 9 1984

RITA M. WHITE

M. J. [Signature]
DEPUTY

ORDER

The Court having consulted with the Officers of the Wyoming State Bar and with the District Court Judges, and being fully advised, it is

ORDERED that Rule 40.1(b), Wyoming Rules of Civil Procedure be, and it hereby is, amended by inserting the following as subparagraph (1) and by renumbering the remaining subparagraphs accordingly:

"Peremptory disqualification.--A district judge may be peremptorily disqualified from acting in a case by the filing of a motion requesting that he be so disqualified. The motion shall be filed by a plaintiff at the time the complaint is filed, designating the judge to be disqualified. The motion shall be filed by a defendant at or before the time the first responsive pleading is filed by him or within thirty (30) days after service of the complaint on him, whichever first occurs. One made a party to an action subsequent to the filing of the first responsive pleading by a defendant cannot peremptorily disqualify a judge. In any matter, a party may exercise the peremptory disqualification only one (1) time and against only one (1) judge." It is

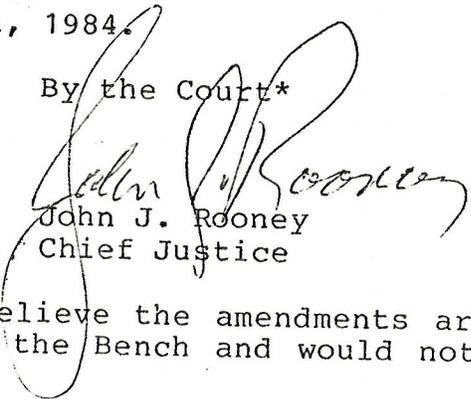
FURTHER ORDERED that Rule 23, Wyoming Rules of Criminal Procedure be, and it hereby is, amended by inserting the following as subparagraph (d) and renumbering the remaining paragraphs accordingly:

"Peremptory disqualification.--A district judge may be peremptorily disqualified from acting in a case by the filing of a motion requesting that he be so disqualified. The motion shall be filed by the state at the time the information or indictment is filed, designating the judge to be disqualified. The motion shall be filed by a defendant at the time of his arraignment and following the entry of his plea, designating the judge to be disqualified. In any matter, a party may exercise the peremptory disqualification only one (1) time and against only one (1) judge." And it is

FURTHER ORDERED that this Order be published in the August 31, 1984, advance sheets of the Pacific Reporter and become effective on October 31, 1984, a date at least sixty (60) days after such publication and distributed by the publisher; and that the amended rules be spread at length in the journal of this Court.

Dated this 9th day of August, 1984.

By the Court*


John J. Rooney
Chief Justice

*Chief Justice Rooney does not believe the amendments are in the best interests of the Bar or of the Bench and would not approve them.