

UNIFORM RULES FOR THE DISTRICT COURTS
OF THE STATE OF WYOMING

U.R.D.C.

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This compilation of rules was adopted at a meeting of the Wyoming Judicial Conference on September 20, 1984, to reflect practice before the District Courts of Wyoming.

These rules shall become effective on January 8, 1985 and shall supercede all local rules of the District Courts and the Uniform Rules for District Courts compiled January 1, 1975.

RULE 101. APPEARANCES

(a) Any person may appear, prosecute or defend any action pro se. Partnerships and sole proprietorships may appear through the owners.

(b) Corporations and unincorporated associations (other than partnerships and individual proprietorships) may appear only through an attorney licensed to practice in Wyoming.

(c) An active member of the Wyoming State Bar shall attend all hearings of any party represented by counsel. Unless excused by the court (after notice to all other counsel) the attorney shall attend all hearings on behalf of his client.

(d) All counsel and pro se parties shall appear promptly at court settings.

RULE 102. APPEARANCE AND WITHDRAWAL OF COUNSEL

(a) An attorney appears in a case: by attending any proceeding as counsel for any party; by permitting his name to appear on any pleadings or motions; or by a written appearance. An appearing attorney, shall be considered as representing the party or parties for whom he appears for all purposes.

(b) All pleadings shall contain the name, address, and telephone number of counsel or, if pro se, the party. All notices shall be mailed to the address provided. Each party or counsel shall give notice in writing of any change of address to the clerk and other parties.

(c) Counsel will not be permitted to withdraw from a case except upon court order.

RULE 201. CONTINUANCES

Cases will not be continued upon stipulation of counsel. Continuances will be granted only for good cause shown in writing.

RULE 202. TIME LIMITS

(a) Time limits permitted or required by rules or court order may not be extended or modified by agreement of counsel, but only by order of the court upon motion made before the expiration of the time limits, except as provided by Rule 6(b) W.R.C.P. and Rule 43(b) W.R.Cr.P.

(b) Upon motion and for excusable neglect the court may permit documents to be filed out of time.

RULE 203. DISMISSAL FOR LACK OF PROSECUTION

(a) Entry of default in accordance with Rule 55(a), Wyoming Rules of Civil Procedure must be made in all default matters. Defaults may be heard by the court at any convenient time. If no request for hearing is made within 60 days after service of process upon the defendant the case may be dismissed by the court. Upon application to the court before the expiration of 60 days, and showing good cause, the time may be extended.

(b) Cases on file for 90 days without service on the defendant will be dismissed by the court. Upon application to the court before the expiration of 90 days, and showing good cause, the time may be extended.

(c) Cases on the docket in which no substantial and bona fide action of record towards disposition has been taken for 90 days are subject to dismissal for lack of prosecution.

(d) With reference to prejudice dismissals shall be in conformity with Wyoming Rules of Civil Procedure.

RULE 204. SPEEDY TRIAL

(a) It is the responsibility of court and counsel to insure to each person charged with crime a speedy trial.

(b) A criminal charge shall be brought to trial within 120 days following the filing of information or indictment.

(c) The following periods shall be excluded in computing the time for trial:

(1) All proceedings related to the mental illness or deficiency of the defendant.

(2) Proceedings on another charge.

(3) Delay granted by the court pursuant to Section (d).

(4) The time between the dismissal and the refiling of the same charge.

(5) Delay occasioned by defendant's change of counsel or application therefor.

(d) Continuances may be granted as follows:

(1) On motion of defendant supported by affidavit of defendant and defendant's counsel.

(2) On motion of the prosecuting attorney or the court if:

(i) the defendant expressly consents; or

(ii) the state's evidence is unavailable and the prosecution has exercised due diligence; or

(iii) required in the due administration of justice and the defendant will not be substantially prejudiced.

(e) Upon receiving notice of possible delay the defendant shall show in writing how the delay may prejudice his defense.

(f) If the defendant is unavailable for any proceeding at which his presence is required, the time period shall begin anew upon defendant's being available.

RULE 301. FILING OF MOTIONS .

Each motion filed, except motions for summary judgment, shall set out the specific point or points upon which the motion is brought, and may be accompanied by a concise brief. No answer brief is required. There will be no specific motion day. When required, hearing of motions will be set on request of counsel or by motion assignment issued by the court. Motions may be submitted on brief if desired. All motions not called up or set for hearing within 60 days after filing will automatically be denied, with 10 days then allowed for pleading.

RULE 302. FILING OF DISCOVERY DOCUMENTS

Discovery documents shall not be filed except:

(a) At the time of filing of a motion to compel discovery or a motion for protective orders, the moving party shall file relevant portions of the documents upon which the motion is based.

(b) At the time of filing a motion for summary judgment the movant shall designate and file relevant portions of the discovery documents relied upon. The opponents of a summary judgment motion shall designate and file relevant discovery documents within the time allowed by Rule 56, W.R.C.P.

RULE 303. PROOF OF SERVICE

Except as may be otherwise provided in the Wyoming Rules of Civil Procedure, the Wyoming Rules of Criminal Procedure, or by order of court, proof of service of every document to be served may be made (1) by an acknowledgement of service, signed by the attorney for a party or signed and acknowledged by the party; or (2) by an affidavit of the person making service; or (3) by a certificate of service appended to the paper to be filed and signed by the attorney for the party making service; or (4) by entry upon the appearance docket showing service under Rule 5(b) of the Wyoming Rules of Civil Procedure. The proof shall be filed with the court promptly and in any event before action is to be taken on the matter by the court.

RULE 304. OFFICIAL COURT FILES

(a) Files may be removed from the clerk's office only under the following circumstances:

(1) For use of the court;

(2) By any member of the Wyoming State Bar for a period not exceeding five (5) days at any one time;

(3) By bonded abstractors for a period not to exceed five (5) days at any one time;

(4) By anyone upon written order of the court.

(b) All files shall be returned to the clerk's office for use by the judge 2 work days before any hearing;

(c) The clerk may deny the privilege of removing files to anyone violating this rule.

(d) No worker's compensation, irrigation district, or drainage district file shall be removed from the office of the clerk, except by a judge.

RULE 305. FORM OF JURY DEMANDS, ORDERS,
AND NOTICES OF MOTION.

Counsel shall set forth on separate sheets of paper demands for jury trial, orders of the court and notices of motion.

RULE 401. CAPTIONS ON FILED DOCUMENTS

Every order, motion, and petition, shall recite the case number and shall have a title which briefly states its contents.

RULE 402. CITATION OF STATUTES

Any complaint, petition, or motion requesting relief based upon a statute shall contain a citation to the statute.

RULE 403. FORMAT OF BRIEFS AND JURY INSTRUCTIONS

(a) All briefs and jury instructions shall:

- (1) be on 8 1/2 by 11 inch, white paper;
- (2) be printed with type not smaller than pica;
- (3) be double spaced (except descriptions of real property and quotations); and
- (4) be on one side of the paper.

(b) One copy of submitted instructions shall be free of citations.

RULE 404. PREPARATION OF ORDERS

Written judgments or orders shall be presented to the court within 20 days after its decision is made known. Before submitting the judgment or order the party drafting it shall secure the written approval of the opposing parties not in default.

In lieu of securing the approval of the opposing parties the party proposing the form of judgment or order may forward the original to the court and serve a copy on the other parties with a notice advising objections must be made within 5 days. If no objection is timely made, the court may sign the judgment or order. If objection is made, the court will resolve the matter.

RULE 501. INTERROGATORIES

(a) Unless otherwise ordered or stipulated, no party may serve on any other party more than 30 interrogatories in the aggregate. Each subpart shall be counted as a separate interrogatory.

(b) Additional interrogatories may be submitted only by leave of court.

(c) Interrogatories shall be so arranged that after each separate question there shall appear a blank space reasonably calculated to enable the answering party to have his answer typed.

RULE 502. AUDIO-VISUAL DEPOSITIONS

(a) Any deposition may be recorded by audio-visual means. Unless otherwise ordered, a stenographic record will be made simultaneously. Upon his request and at his own expense, any party is entitled to a copy of the audio-visual recording.

(b) The audio-visual recording is an official record of the deposition. A transcript prepared by an official court reporter is the primary official record of the deposition.

(c) On motion showing good cause, the Court may order the party taking, or who took, a deposition by audio-visual recording to furnish, at his expense, a transcript of the deposition.

(d) An audio-visual deposition may be used for any purpose and under any circumstances in which a stenographic deposition may be used.

(e) The notice for taking an audio-visual deposition and the subpoena for attendance at that deposition must state that the deposition will be recorded by audio-visual means.

(f) An objection must be made as in the case of stenographic depositions.

(g) If the court issues an editing order, the original audio-visual recording must not be altered.

(h) Upon order of the court or as provided in Rule 302 of these rules, the original audio-visual recording of a deposition, any copy edited pursuant to an order of the court, and exhibits will be filed with the clerk of the court.

(i) The reasonable expense of recording, editing, and using an audio-visual deposition may be taxed as costs.

RULE 601. PRETRIAL PRACTICE

(a) In all cases in which a pretrial conference is ordered reasonable notice of the time and place shall be given.

(b) The court may order scheduling conferences as needed.

(c) Before pretrial counsel shall:

(1) Complete discovery;

(2) Mark exhibits for identification and furnish copies to opposing counsel;

(3) Stipulate in writing to as many facts and issues as possible;

(4) Furnish opposing counsel names and addresses of witnesses with a summary of their expected testimony;

(5) File and have set for hearing all motions;

(6) Discuss settlement;

(7) At least 5 days before the pretrial conference file and serve pretrial memoranda in a form prescribed by the court.

RULE 701. VOIR DIRE OF JURORS

(a) The only purpose of voir dire is to select a panel of jurors who will fairly and impartially hear the evidence and render a just verdict.

(b) The court shall not permit counsel to attempt to precondition prospective jurors to a particular result, comment on the personal lives and families of the parties or their attorneys, nor question jurors concerning the pleadings, the law, the meaning of words, or the comfort of jurors.

(c) The court may inquire of the prospective jurors.

(d) In voir dire examination counsel shall not:

(1) Ask questions of an individual juror that can be asked collectively;

(2) Ask questions answered in a juror questionnaire except to explore some answer in greater depth;

(3) Repeat a question asked and answered;

(4) Instruct the jury on the law or argue the case;

(5) Ask a juror what his verdict might be under any hypothetical.

(e) The court may assume voir dire if counsel fails to follow this rule. If the court assumes the voir dire, it may permit counsel to submit questions in writing.

RULE 702. JUROR INTERROGATION

Court personnel and officers shall not express approval or disapproval of the verdict. After the verdict the court may thank the jury for its service and may instruct the jury as follows:

"You have completed your duties and are discharged. Whether you talk to the attorneys or others is your own decision. It is proper for the attorneys to discuss the case with you and you may talk with them, but you need not. If anyone persists in discussing the case over your objection or becomes critical of your service, please report it to me."

RULE 801. COURTROOM DECORUM

(a) The conduct, demeanor and dress of attorneys when present during any court proceeding shall reflect respect for the dignity and authority of the court, and the proceedings shall be maintained as an objective search for the applicable facts and the correct principles of law.

(b) The following suggestions are made assuming that these suggestions make rules unnecessary:

(1) Arguments, objections and remarks should be addressed to the court;

(2) Counsel should stand when addressed by the judge or when speaking to the judge;

(3) When examining a witness, counsel should stand at the lectern and not walk around the courtroom;

(4) Counsel should obtain permission before coming to the bench;

(5) No one should eat, drink or smoke in the courtroom and no one should sit on the tables;

(c) Counsel should instruct clients and witnesses as to appropriate demeanor and dress.

RULE 802. USE OF TELEPHONE CONFERENCE CALLS

In a civil case the court in its discretion may use a telephone conference call for any proceeding. The court may require the parties to make reimbursement for any telephone charges incurred by the court.

RULE 803. USE OF RECORDING EQUIPMENT BY COUNSEL

Upon notice to the court and parties audio recording equipment may be used to record the decision of the court. No recording may be disclosed without the consent of all parties and the court, nor used to impeach any official court record.

RULE 901. SANCTIONS

The following may be imposed for violation of these rules: reprimand, monetary sanctions, contempt, striking of briefs or pleadings, dismissal of proceedings, costs, attorney fees, or other sanctions.

RULE 902. CASES UNDER ADVISEMENT

All civil matters taken under advisement by the court shall be decided with dispatch. A judge shall give priority over other court business to resolution of any matter subject of delay hereunder, and if necessary will call in another judge to assist.

RULE 903. DISPOSITON OF EXHIBITS

After time for appeal has expired, counsel shall retrieve all exhibits. Exhibits not retrieved by counsel within 60 days after the time for appeal has expired, shall be disposed of by the court reporter.