

IN THE SUPREME COURT STATE OF WYOMING

APRIL TERM, A.D. 1987

In the Matter of the Adoption )  
of Rule 13, W.R.A.P., Review )  
on Certiorari; and Amendment )  
of Rule 5.01(5), W.R.A.P. )

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

JUL 30 1987

M. J. Coarod  
CLERK

ORDER

The court having deemed it necessary and proper to adopt Rule 13, W.R.A.P., Review on Certiorari, and to amend Rule 5.01, W.R.A.P., Brief of Appellant, it is

ORDERED, that Rule 13, W.R.A.P., Review on Certiorari, as attached, be adopted in its entirety; and

FURTHER ORDERED, that the following Rule 5.01(5), W.R.A.P., be, and it is hereby amended to read as follows:

Rule 5.01. Brief of the appellant.

\* \* \*

(5) An appendix; contents.

(a) Mandatory:

The appendix shall contain a copy of the judgment or final order appealed from; and, the trial court's written and/or oral reasons for judgment, if any.

(b) Discretionary:

Appellant may include copies of dispositive written agreements; and, succinct excerpts of transcripts of testimony for ease of reference.

(5)(6) \* \* \*

(6)(7) \* \* \*

IT IS FURTHER ORDERED, that the foregoing adopted and amended rules be published in the advance sheets of the Pacific Reporter and thereafter in the Wyoming Reporter; that said adopted and amended rules shall become effective sixty (60) days after publication in the advance sheets of the Pacific Reporter, and thereupon be spread at length on the journal of this court.

DATED this 30<sup>th</sup> day of July, 1987.

BY THE COURT:



C. STUART BROWN  
Chief Justice

W.R.A.P.

Rule 13. Review on certiorari

13.01. Consideration governing review on certiorari.

Addressed to judicial discretion. A review in the supreme court on writ of certiorari as provided in Chapter 132, Session Laws of Wyoming, 1987, or otherwise requested pursuant to Article 5, Section 3 of the Wyoming Constitution, is a matter of judicial discretion, and will be granted only when there are special and important reasons therefor. The following, while neither controlling nor fully measuring the discretion of the court, indicates the character of reasons which will be considered:

(1) where the district court on appellate review of cases from the courts of limited jurisdiction has so far departed from the accepted and usual course of judicial proceedings; or, so far sanctioned such procedure by a court of limited jurisdiction as to call for the exercise of the supreme court's power of supervision; or,

(2) where the district court in its appellate capacity has decided a question of substance not heretofore determined by this court; or, has decided a question of substance in a way probably not in accord with applicable decisions of this court; or,

(3) where the case involves an important state question which has not been, but should be determined by the supreme court; or,

(4) where the case is of such imperative public importance as to justify the determination in the supreme court.

**13.02. Petition for writ of certiorari -- procedure.**

(a) Time of filing of petition; cross-petition. Review on certiorari shall be sought by filing an original and seven (7) copies of a petition for review on certiorari with the clerk of the supreme court within fifteen (15) days after the entry of the district court's order, decision, or opinion of the district court in its appellate capacity. When a petition is filed under this rule, any other party may file a cross-petition for review on certiorari from the same order or decision of the district court rendered in its appellate capacity. Cross-petitions shall be filed within five (5) days from service of the petition for review on certiorari.

(b) Motion to dismiss not permitted. Motions to dismiss a petition or cross-petition will not be received. Objections to the exercise of the discretionary power of the supreme court to grant a petition or cross-petition must be included in briefs in opposition.

(c) Contents of petition. The petition for certiorari shall present accurately, briefly, and clearly whatever is essential to a ready and adequate understanding of the points requiring consideration. It shall include the following:

(1) a reference to the original action in the court of limited jurisdiction by name and docket number.

(2) a copy of the docket entry evidencing the judgment of the district court in its appellate capacity, together with any opinion or memorandum rendered by the district court.

(3) the date of the judgment sought to be reviewed and the date of any mandate of the district court in its appellate capacity.

(4) the questions presented for review.

(5) a reference to pertinent constitutional provisions, statutes, ordinances, or regulations.

(6) a concise statement of the facts material to the consideration of the questions presented.

(7) a concise argument in support of the petition.

(d) No supporting brief. All contentions in support of a petition shall be set forth in the body thereof, as provided in subsection (d), Rule 13.02, W.R.A.P. No separate brief will be received by the court.

(e) Sanctions. Failure to comply with subsection (c), Rule 13.02, W.R.A.P., is sufficient reason for denying the petition. Costs and penalties on affirmance may be assessed in civil cases by the court in accordance with Rule 10.05, W.R.A.P.

(f) Opposition brief. A petition shall be served upon the respondent who may within ten (10) days thereafter serve upon the petitioner a brief in opposition. An original and six (6) copies shall be filed with the clerk of the supreme court. A succinct reply brief may be filed and served upon the respondent within five (5) days after service of the brief in opposition.

### 13.03. Disposition.

On review of the petition and any opposition brief, the court, without hearing of oral argument, shall grant or deny the petition. If the petition is granted, the court shall:

- (a) direct further proceedings in the district court;
- (b) affirm the appellate action of the district court;

- (c) reverse the appellate action of the district court; or,
- (d) remand the matter to the district court with directions.

**13.04. Duty of clerk.**

(a) Grant of writ. Whenever a petition for writ of certiorari to review a decision of any court is granted, the clerk shall enter an order to that effect, and shall forthwith notify the district court and counsel of record of the granting of the petition. The order shall direct that the certified transcript of record on file be transmitted forthwith to the clerk of the supreme court.

(b) Denial of writ. No mandate shall issue upon the denial of a petition for writ of certiorari. The clerk of court shall forthwith notify the district court and counsel of record of the denial of the petition and forward copies of the order of denial.

**13.05. Petitions and briefs; preparation, duplication and service.**

The preparation, duplication, and service of all petitions and opposition briefs shall be governed by Rule 5, W.R.A.P.