

IN THE SUPREME COURT, STATE OF WYOMING

APRIL TERM, A.D. 2001

In the Matter of the Adoption )  
of Amendments to the Wyoming )  
Rules of Appellate Procedure )

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

MAY - 4 2001

  
JUDY PACHECO, CLERK

**ORDER ADOPTING AMENDMENTS TO THE  
WYOMING RULES OF APPELLATE PROCEDURE**

The Board of Judicial Policy and Administration, upon the recommendation of the Permanent Rules Advisory Committee, Appellate Division, has determined that amendments to the Wyoming Rules of Appellate Procedure are necessary. It is therefore

ORDERED that the amendments to the Wyoming Rules of Appellate Procedure, a copy of which is attached hereto, are adopted and that those amendments be published in the advance sheets of the Pacific Reporter and in the Wyoming Reporter. The amendments shall be effective September 1, 2001, and thereafter shall be spread at length upon the journal of this Court.

DATED this 4 day of May 2001.

BY THE COURT:



LARRY I. LEHMAN  
Chief Justice  
Chairman, Board of Judicial  
Policy and Administration

**1.01. Number of copies to be filed; format.**

- (a) Unless otherwise specified in these rules:
- (1) One original and six copies of all briefs, petitions, motions and other documents shall be filed in the supreme court; or
  - (2) One original and two copies of all briefs, petitions, motions and other documents shall be filed in the district court; and
  - (3) Where appropriate, a proposed order shall accompany all filings.
- (b) All briefs, petitions, motions and other documents shall be filed on 8 ½" x 11" paper. Any attachments or appendices, which in their original form are on longer or smaller paper, should be reduced or enlarged to 8 ½" x 11" paper.
- (c) If a brief or petition has been prepared in an electronic format, an electronic copy of the brief or petition shall also be provided to the court by means of a 3.5 inch disk in a Word-readable form.

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**1.02 Scope of rules**

- (a) All appeals, reviews pursuant to Rule 12, certifications under Rules 11 or 12, and petitions for review shall be governed by these rules. Where the term "appellate court" is used in these rules, it refers to either the district court or the supreme court as circumstances make appropriate. The term "trial court" refers to either a district court, a county circuit court, a justice of the peace court or a municipal court.

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**1.07. Filing and service of documents by facsimile transmission in the supreme court.**

(a) Any document, except as noted below, which may be filed and/or served under any of the rules appearing in this volume, may be filed with the supreme court and/or served by facsimile transmission.

(b) No documents shall be transmitted to the supreme court without prior telephonic notification to the clerk of court. Only under emergency circumstances shall documents be filed by facsimile transmission with the court.

(c) Documents to be filed by facsimile transmission must be received by the clerk of court no later than 4:30 p.m. on a weekday, which is not a legal holiday, or service shall be deemed made on the following weekday, which is not a legal holiday. All documents filed and/or served by facsimile shall be deemed filed and/or served on the date the facsimile is received by the clerk of court. Computation of time will be the same as contained in the rules of this court, with the exception that the date of transmission will be considered the date of delivery to all parties concerned and the allowance for time for delivery by mail will not apply.

(d) No document which exceeds ten (10) pages in length may be filed or served by facsimile. All format requirements contained in applicable rules must be followed.

(e) Proof of service for documents served by facsimile transmission shall state the date and time of service and the facsimile number or identification symbol of the receiving attorney.

(f) No briefs or petitions for review may be filed or served by facsimile.

(g) Any document filed and/or served by facsimile transmission must be replaced by a signed or otherwise duly executed original (plus six copies) within twenty-four (24) hours of the filing and/or service by facsimile. The clerk of court, upon receiving the replacement document(s) shall note its date of actual delivery, but shall show that it was filed on the date the facsimile copy was received.

(h) Attorneys shall not be required to have a facsimile transmission device. Delivery of facsimile documents is the responsibility of the entity from which they originate and delivery must be made to the clerk of the court where the document is to be filed, or to the office, usual place of business or other location as provided for in the court rules pertaining to service.

(i) The supreme court shall not be required to transmit any court documents, including orders, in response to filings made by facsimile transmission. Responses by the court will be mailed/distributed in accordance with applicable rules.

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## **2.05. Certification of transcript request.**

Concurrently with filing the notice of appeal, appellant must order and either make arrangements satisfactory to the court reporter for the payment ~~or~~ for a transcript of the portions of the evidence deemed necessary for the appeal or make application for in forma pauperis status as provided in Rule ~~10.06~~ 10.07. A certificate of compliance with this rule shall be endorsed upon or filed with the notice of appeal.

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## **6.01. Docketing appeal and jurisdiction.**

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(a) The case shall be docketed in the appellate court when the notice of the completion of the record, as provided in Rule 3.05(a), is ~~filed with~~ transmitted to the appellate court together with the filing fee. The clerk of the appellate court shall, forthwith, serve on the parties to the appeal notice that the appeal has been docketed and set forth the briefing schedule in accord with Rule 7.

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(c) A district court shall have jurisdiction of appeals from interlocutory orders of administrative agencies and ~~county-circuit~~ courts, justice of peace courts and municipal courts, and questions certified pursuant to Rules 11, and petitions pursuant to Rule 13.

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## **7.01. Brief of appellant.**

The brief of appellant shall contain under appropriate headings and in the order indicated:

- (a) A title page which must include:
  - (1) The appropriate caption and appellate court case number;
  - (2) Identification of party filing the brief; and
  - (3) The names(s), address(es) and telephone number(s) of the attorney(s) or pro se party(ies) preparing the brief.
- (b) A table of contents, with page references;
- (c) A table of cases alphabetically arranged (in one list or by jurisdiction), statutes and other authorities cited, with references to the pages where they appear;
- (d) A statement of the issues presented for review;
- (e) A statement of the case including:
  - (1) The nature of the case, the course of proceedings, and the disposition in the trial court; and
  - (2) A statement of the facts relevant to the issues presented for review with appropriate references to documents listed in the index of the transmitted record.