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WYOMING RULES OF APPELLATE PROCEDURE

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2010

IN THE MATTER OF SETTING OF)	
DOCKET AND SERVICE FEES IN THE	)	General Order 10-1
WYOMING SUPREME COURT)	

ORDER SETTING DOCKET AND SERVICE FEES FOR THE WYOMING SUPREME COURT

THIS MATTER came before the Court upon its own motion in connection with consideration of amendments to this Court's General Order 00-1, entered on May 9, 2000. In accordance with W.R.A.P. 2.09(b), W.S. Sections 5-2-120, 5-2-202, and 5-2-121, the Court finds that General Order 00-1 should be vacated and the contents of this order shall serve in its place. It is therefore

ORDERED that effective July 1, 2010, General Order 00-1 is vacated in its entirety; and it is

FURTHER ORDERED that the following docket and service fees to be collected by the Clerk of the Wyoming Supreme Court, be and they are hereby, established effective July 1, 2010, as follows:

1. For the docketing of an appeal or any original proceeding, including any matters brought to the supreme court by the certification process or the writ of review, \$95.00, \$10.00 of which shall be deposited into the judicial systems automation account established by W.S. Section 5-2-120; and \$10.00 of which shall be deposited into the indigent civil legal services account established by W.S. Section 5-2-121.
2. The sum of \$5.00 for issuing certified court documents and certification of records.
3. The sum of \$10.00 for certificates of good standing of attorneys.
4. The sum of \$.50 per page for reproducing any document, record or other paper.
5. The sum of \$10.00 for replacement, duplication, or renewal of admission certificate.
6. For notary service, fee as set by W.S. Section 32-1-112.

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WYOMING COURT RULES

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IT IS FURTHER ORDERED that this general order shall remain in full force and effect until such time as it may be amended by the Court.

DATED this 22nd day of April, 2010

BY THE COURT:

Barton R. Voigt
Chief Justice

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RULES OF APPELLATE PROCEDURE

WYOMING RULES OF APPELLATE PROCEDURE

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2010

In the Matter of the Setting of)	
Appellate Filing and Docketing)	
Fees in the District Courts,	)	General Order 10-2
Circuit Courts, and Municipal)	
Courts)	

ORDER SETTING APPELLATE FILING AND DOCKETING FEES IN THE DISTRICT COURTS, CIRCUIT COURTS, AND MUNICIPAL COURTS

THIS MATTER came before the Court upon its own motion in connection with consideration of amendments to this Court's General Order 00-2, entered on June 27, 2000, and in further consideration of the need to set uniform filing and docketing fees for various appellate filings, other than those filed in the Supreme Court. The Court finds that such uniform fees as set out below should be adopted. It is therefore

ORDERED that effective July 1, 2010, General Order 00-2 is vacated in its entirety; and it is

FURTHER ORDERED that the following filing and docketing fees shall be collected by the various courts as set out more fully below. These fees shall be effective July 1, 2010, as follows:

District Courts

1. For all transcripts and records in cases appealed or certified to the Supreme Court, including certificates, seals and transmission, \$70.00, of which \$10.00 shall be for court automation and \$10.00 shall be for indigent civil legal services and both shall be remitted as provided in Wyo. Stat. Ann. § 5-3-205.
2. For docketing a petition for review from an administrative agency, \$70.00, of which \$10.00 shall be for court automation and \$10.00 shall be for indigent civil legal services and both shall be remitted as provided in Wyo. Stat. Ann. § 5-3-205.
3. For docketing an appeal from a circuit court or municipal court, \$70.00, of which \$10.00 shall be for court automation and \$10.00 shall be for indigent civil legal services and both shall be remitted as provided in Wyo. Stat. Ann. § 5-3-205.

Circuit Courts and Municipal Courts

1. For the preparation of the record on appeal to the district court, including the certified copy of the docket entries, the sum of \$20.00 to be paid at the time of filing of the notice of appeal by the appellant.

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IT IS FURTHER ORDERED that this general order be published in the advance sheets of the Pacific Reporter; the Wyoming Court Rules Volume; and be made available online at the Wyoming Judicial Branch’s website, http://www.courts.state.wy.us. This general order shall remain in full force and effect until such time as it may be amended by the Court.

DATED this 25th day of May, 2010.

BY THE COURT:

Barton R. Voigt
Chief Justice

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Rule 1. General rules.

1.01. Electronic Filing; number of copies to be filed; format.

(a) Except as noted below, all briefs, motions and other pleadings shall be filed electronically in the supreme court using C-Track Electronic Filing System (CTEF), and the electronic version shall be the officially filed document in the case. The rules will apply to district courts and circuit courts as they adopt electronic filing. The current

Rule 1

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version of the supreme court e-filing training, policies and log-in can be found at www.courts.state.wy.us/Documents/EFiling/PnPManual.pdf.

(1) Electronic filing must be completed within the time set forth in the Wyoming Supreme Court, Electronic Filing Administrative Policies and Procedures Manual, www.courts.state.wy.us/Documents/EFiling/PnPManual.pdf, to be considered timely filed on the date it is due. Electronic filing, together with the Notice of Electronic Filing that is automatically generated by CTEF, constitutes filing of a document.

(2) When documents filed do not comply with the rules (such as the Rules Governing Redaction from Court Records), the document will be removed from the public docket and counsel will immediately be notified by email and instructed to re-file the pleading within a specified amount of time. If the pleading is not correctly re-filed within the required time, it shall not be considered timely filed.

(3) Documents filed by pro se non-attorney parties shall not be electronically filed unless ordered by the supreme court. Attorneys acting in a pro se capacity shall comply with the electronic filing requirements.

(4) With regard to proceedings including petition for writ of review, certification of question of law, and certification of case pursuant to Rule 12.09(b), the initial pleading in the reviewing court shall not be filed electronically. However, responses and further briefing shall be electronically filed.

(5) Motion to intervene in a case or motion to file amicus curiae shall not be electronically filed unless ordered by the supreme court.

(b) Attachments to electronically filed documents:

(1) May be scanned, however the document to which they are attached shall be uploaded directly from the filer's computer using CTEF;

(2) If the attachments to an electronically filed document are not available in an electronic format, the cover page of the document shall state that the attachment is on the paper copies only.

(c) Until otherwise ordered, in addition to electronic filing, the following paper copies are required:

(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) A proposed order shall accompany all filings in the district court. For filings in the supreme court, a proposed order may be attached.

(d) All briefs, petitions, motions and other documents shall be filed on 8½" x 11" paper. Any attachments or appendices, which in their original form are on larger or smaller paper, should be reduced or enlarged to 8½" x 11" paper.

(Amended May 4, 2001, effective September 1, 2001; amended April 6, 2015, effective July 1, 2015.)

1.02. Scope of rules.

(a) All appeals, reviews pursuant to Rule 12, certifications under Rules 11 or 12, and petitions for writ of review pursuant to Rule 13 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 circuit court, or a municipal court.

(b) These rules shall supersede any conflicting statutes, rules or regulations addressing procedural matters.

(Amended May 4, 2001, effective September 1, 2001; amended December 2, 2002, effective January 6, 2003; amended April 6, 2015, effective July 1, 2015.)

1.03. Failure to comply with rules.

(a) The timely filing of a notice of appeal, which complies with Rule 2.07(a), is jurisdictional. The failure to comply with any other rule of appellate procedure, or any order of court, does not affect the validity of the appeal, but is ground only for such action as the appellate court deems appropriate, including but not limited to: refusal to consider the offending party's contentions; assessment of costs; monetary sanctions; award of attorney fees; dismissal; and affirmance.

(b) A party's failure to comply with these rules may result in imposition of sanctions, including but not limited to:

(1) Appellant or cross appellant who fails to provide a notice of appeal to the appellate court as required by Rule 2.01(a), or whose notice of appeal does not include the appendix required by Rule 2.07(b) and (c), may be subject to a monetary sanction when the case is docketed in the appellate court.

(2) A party who fails to file the required designation or certification of record in the trial court contemporaneously with filing the brief in the appellate court may be subject to a monetary sanction upon notification of non-compliance by the clerk of the trial court. See Rule 3.05. For Supreme Court general orders on sanctions, see www.courts.state.wy.us/WSC/Clerk.

(Amended April 6, 2015, effective July 1, 2015.)

1.04. Review by supreme court and district court.

(a) A judgment or appealable order entered by a district court may be: affirmed, reversed, vacated, remanded, or modified by the supreme court for errors appearing on the record.

(b) A judgment or appealable order entered by an administrative agency or any court inferior in jurisdiction to the district court, upon an appeal or proceeding for judicial review, may be: affirmed, reversed, vacated, remanded, or modified by the district court for errors appearing on the record.

(c) An appeal will be dismissed, by either order or opinion, if the appellate court concludes it is without jurisdiction to decide the case.

(Amended April 6, 2015, effective July 1, 2015.)

1.05. Appealable order defined.

An appealable order is:

(a) An order affecting a substantial right in an action, when such order, in effect, determines the action and prevents a judgment; or

(b) An order affecting a substantial right made in a special proceeding; or

(c) An order made upon a summary application in an action after judgment; or

(d) An order, including a conditional order, granting a new trial on the grounds stated in Rule 59(a) (4) and (5), Wyo. R. Civ. P.; if an appeal is taken from such an order, the judgment shall remain final and in effect for the purposes of appeal by another party; or

(e) Interlocutory orders and decrees of the district courts which:

(1) Grant, continue, or modify injunctions, or dissolve injunctions, or refuse to dissolve or modify injunctions; or

(2) Appoint receivers, or issue orders to wind up receiverships, or to take steps to accomplish the purposes thereof, such as directing sales or other disposition of property.

(See Rule 13 for additional guidance on review of interlocutory orders.)

1.06. Joint appeals.

If two or more parties are entitled to appeal from a judgment or order, and their interests are such as to make joinder practicable, they may file a joint notice of appeal, or may join in appeal after filing separate notices of appeal. Appellants filing jointly shall file only one combined brief and, if applicable, one combined reply brief. (Amended April 6, 2015, effective July 1, 2015.)

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

(a) The supreme court will neither accept facsimile filings nor transmit any court documents, including orders, by facsimile transmission.

(b) In a death penalty case with a scheduled execution date, the prohibition against fax filing of an original proceeding or other documents may be waived by the supreme court.

(Adopted May 4, 2001, effective September 1, 2001; amended April 6, 2015, effective July 1, 2015.)

Rule 2. Processing appeal.

Rule 2.01. How and when taken; cross-appeals and dismissals.

(a) An appeal from a trial court to an appellate court shall be taken by filing the notice of appeal with the clerk of the trial court within 30 days from entry of the appealable order and concurrently serving the same in accordance with the provisions of Rule 5, Wyo.R.Civ.P., (or as provided in Wyo.R.Cr.P. 32 (c)(4)). The pro se filing of a notice of appeal by an inmate confined in a penal institution is additionally subject to the provisions of Rule 14.04. Contemporaneously with the filing of the notice of appeal with the clerk of the trial court, a copy of the notice of appeal shall also be served on the clerk of the appellate court. See Rule 1.03. In criminal cases appealed to the supreme court, the notice of appeal shall be served upon the office of public defender and the office of attorney general. In cases specified in Wyo.Stat. Ann. § 14-12-101(a), the notice of appeal shall be served upon the Wyoming Guardian Ad Litem Program.

(1) Upon a showing of excusable neglect, the trial court in any action may extend the time for filing the notice of appeal to 45 days from entry of the appealable order, provided the application for extension of time is filed and the order entered prior to the expiration of 45 days from entry of the appealable order. Along with the application for extension of time, appellant shall submit a proposed notice of appeal, which the clerk of court shall retain. At the time of filing the application for extension of time, appellant shall also deliver to the clerk of the trial court the filing fee for docketing the case in the appellate court or a motion for leave to proceed in forma pauperis. See Rule 2.09(a). If the trial court grants the application for extension of time, the clerk of court shall file the proposed notice of appeal concurrently with entry of the order extending the time. If the trial court denies the application, any docketing fee shall be refunded to appellant. Appellant shall promptly serve appellee a copy of the order extending the time. If such an order is issued, it shall be appended to the notice of appeal that is served on the clerk of the appellate court.

(2) If a timely notice of appeal is filed by a party, any other party may file a notice of appeal within the time prescribed by Rule 2.01(a) or within 15 days of the date on which the first notice of appeal was filed.

(b) If an appeal has not been docketed with the appellate court, the parties, with the approval of the trial court, may dismiss the appeal by stipulation filed in that court, or that court may dismiss the appeal upon motion and notice by appellant.

(c) An amended notice of appeal shall be limited to the correction of clerical errors or omissions in the original notice of appeal. It may not be used for the purpose of appealing an order or judgment entered subsequent to the filing of the original notice of appeal, except as provided in 2.02(c) or when a subsequent order or judgment amends the order or judgment from which the appeal was initially taken. The amended notice shall be served and filed pursuant to the provisions of Rule 14.01, provided, however, that no filing fees need be paid.

(Amended May 4, 1999, effective October 1, 1999; amended July 26, 2006, effective December 1, 2006; amended April 14, 2010, effective July 1, 2010; amended April 6, 2015, effective July 1, 2015.)

2.02. Effect of motion on time for filing notice of appeal in civil case.

(a) The time for appeal in a civil case ceases to run as to all parties when a party timely files of a motion for judgment under Rule 50(b), Wyo. R. Civ. P.; a motion to amend or make additional findings of fact under Rule 52(b), Wyo. R. Civ. P., whether or not alteration of the judgment would be required if the motion is granted; a motion to alter or amend the judgment under Rule 59, Wyo. R. Civ. P., or a motion for a new trial under Rule 59, Wyo. R. Civ. P.

(b) The full time for appeal commences to run and is to be computed from the entry of any order granting or denying a motion for judgment; a motion to amend or make additional findings of fact; or a motion to alter or amend the judgment, or denying a motion for a new trial. If no order is entered, the full time for appeal commences to run when any such motion is deemed denied.

(c) If a party files a notice of appeal after the court announces or enters a judgment, but before it disposes of any motion listed in Rule 2.02(a), the notice becomes effective to appeal a judgment or order, in whole or in part, upon entry of a final order disposing of the last such remaining motion. If no order is entered, the notice becomes effective when the last such motion is deemed denied. Such an appeal shall not be docketed in the appellate court prior to the notice of appeal becoming effective. If the appealing party also intends to challenge the order disposing of the last remaining motion or the deemed denial of the such motion, that party must file an amended notice of appeal within the time prescribed by Rule 2.01. No additional fee is required to file such amended notice of appeal.

(Amended April 6, 2015, effective July 1, 2015.)

2.03. Effect of motion on time for filing of notice of appeal in criminal case.

(a) The time for appeal in a criminal case is terminated by the timely filing of a motion for judgment of acquittal made pursuant to Rule 29(c), Wyo. R. Cr. P.; a motion for a new trial made pursuant to Rule 33, Wyo. R. Cr. P.; or a motion in arrest of judgment made pursuant to Rule 34, Wyo. R. Cr. P.

(b) The time for appeal commences to run and is to be computed from the latest of the following dates: entry of an order denying any such motion, the time any such motion is deemed denied, or entry of judgment.

(Amended April 6, 2015, effective July 1, 2015.)

2.04. Premature notice of appeal.

A notice of appeal filed after the court announces a decision or order — but before entry of the judgment or order — is treated as filed on the date of and after the entry. A premature notice of appeal shall comply with Rule 2.07, to the extent possible. Once the judgment or order is entered, the appellant shall forward a copy of the judgment or

order to the clerk of the appellate court for inclusion with the notice of appeal served on the clerk.

(Amended April 6, 2015, effective July 1, 2015.)

2.05. Certification of transcript request; statement of evidence, or agreed statement.

(a) Concurrently with filing the notice of appeal, appellant must order and either make arrangements satisfactory to the court reporter for the payment 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 2.09. A certificate of compliance with this rule shall be endorsed upon the notice of appeal. If appellant does not intend to order a transcript, the certificate of compliance shall include a statement indicating whether appellant intends to procure a statement of evidence pursuant to Rule 3.03 or an agreed statement pursuant to Rule 3.08.

(b) If counsel certifies that transcripts have been ordered and arrangement for payment has been made, but fails to actually contact the court reporter and follow through on the request, the court reporter or the district court clerk shall notify the supreme court and the supreme court may take any action it deems appropriate pursuant to Rule 1.03.

(Amended May 4, 2001, effective September 1, 2001; amended July 26, 2006, effective December 1, 2006; amended April 6, 2015, effective July 1, 2015.)

2.06. Time allowed court reporter to file transcript; certification to appellate court and parties that transcript has been filed in trial court.

(a) Within 60 days after the notice of appeal is filed, the court reporter shall file with the clerk of the trial court, the transcript, or such portions of the transcript that have been ordered as provided in Rule 2.05. Any redactions shall be made pursuant to Rules Governing Redactions from Court Records. After completion of redacted versions of the transcripts and contemporaneously with filing the transcript in the trial court, the reporter shall notify in writing or electronically the appellate court and all parties to the appeal that the transcript has been filed in the trial court.

(b) If the court reporter is not able to complete the requested transcript in the time allowed, the time for filing may be extended by the trial court for good cause shown. The motion shall state with specificity why the extension is necessary. A copy of the motion and order shall be served on all parties and the clerk of the supreme court.

(Amended April 6, 2015, effective July 1, 2015.)

2.07. Notice of appeal; contents.

(a) The notice of appeal shall:

- (1) Specify the party or parties taking the appeal;
- (2) Identify the judgment or appealable order, or designated portion appealed;
- (3) Name the court to which the appeal is taken;
- (4) Include the certificate required by Rule 2.05(a); and
- (5) Appellant(s) shall as clearly as possible indicate either in the body of the notice of appeal or on the certificate of service, alignment of the parties with their respective counsel when there are multiple appellees.

(b) In a civil case, the notice of appeal shall have as an appendix which shall include and be limited to the following:

- (1) All pleadings that assert a claim for relief whether by complaint, counter-claim or cross-claim and all pleadings adding parties; and

(2) All orders or judgments disposing of claims for relief and all orders or judgments disposing of all claims by or against any party; and

(3) The judgment or final order and a copy of the trial court's decision letter if one was filed.

(c) In a criminal case, the notice of appeal shall have as an appendix the judgment and sentence or other dispositive order.

(Amended April 6, 2015, effective July 1, 2015.)

2.08. Designation of parties.

(a) In all appeals governed by these rules, the party taking the appeal shall be known as appellant and the adverse party as appellee, and in the caption of the cause in the appellate court appellant's name shall appear first.

(b) For purposes of simplicity and clarity, identifying terms such as injured worker, victim, seller/buyer, proper names (e.g. Jones, Smith, Brown), etc., appropriately may be used in the text of any pleading or brief, instead of the terms appellant and appellee. The parties shall comply with the current redaction rules.

(Amended April 6, 2015, effective July 1, 2015.)

2.09. Payment of filing fee, motion to proceed in forma pauperis, and disposition.

(a) At the time of filing the notice of appeal, an appellant shall deliver to the clerk of the trial court the filing fee for docketing the case in the appellate court and the filing fee for the trial court clerk to prepare the record or a motion for leave to proceed in forma pauperis together with a proposed order and an affidavit documenting the appellant's inability to pay fees and costs or to give security. Except as provided below, a docket fee shall be collected for each notice of appeal pursuant to Wyo.Stat. Ann. § 5-3-205 and § 5-9-135 and court rule. The fee for filing an appeal or other action in the supreme court shall be set by order of the court and published in Rules of the Supreme Court of Wyoming.

(b) In civil cases, the trial court may not permit an appellant to proceed on appeal in forma pauperis unless such status is permitted by statute or constitutional right. See e.g. *M.L.B. v. S.L.J.*, 519 U.S. 102, 117 S.Ct. 555, 136 L.Ed.2d 473 (1996) (permitting indigent parent to proceed in forma pauperis in appeal challenging termination of parental rights). Incarceration alone does not confer in forma pauperis status.

(c) If the trial court denies the motion for leave to proceed in forma pauperis, an appellant may, within 30 days of entry of the order denying the motion, deliver to the clerk of the trial court the filing fee for docketing the case in the appellate court. If such fee is not paid within those 30 days, the appeal will not proceed further.

(d) A notice of appeal may be faxed to the clerk of the trial court; the notice of appeal shall not be filed until payment of the docket fees is received by the clerk of the trial court or a motion to proceed in forma pauperis is faxed to the clerk of the trial court, pursuant to this rule and Wyo.Stat. Ann. § 5-3-205.

(e) The clerk of the trial court shall forward the appellate court's filing fee to the clerk of the appellate court or an order granting leave to proceed in forma pauperis at the time the clerk of the trial court submits its notice that the record on appeal has been completed. The case shall then be docketed in the appellate court.

(f) If the appeal is dismissed prior to the notice from the clerk of the trial court to the clerk of the appellate court that the record on appeal has been completed, the filing fee for docketing the case in the appellate court shall be refunded to appellant. A subsequent dismissal by the appellate court of the appeal, whether by voluntary motion or involuntary order shall not entitle appellant to refund of the filing fee.

(g) All fees under this rule due from or payable by the State of Wyoming or its subdivisions will be paid to the clerk of the trial court by check, voucher or other appropriate fund transfer request in the proper form.
(Amended April 14, 2010, effective July 1, 2010; amended April 6, 2015, effective July 1, 2015.)

Rule 3. Record.

3.01. Composition of record.

(a) The record shall consist of:

(1) The original papers and exhibits filed in the trial court;

(2) The transcript of proceedings or any designated portion (if the proceedings were not recorded or transcribed in accordance with these rules, the electronic audio recording of the proceedings, or any designated portion); and

(3) A certified copy of the docket entries prepared by the clerk of the trial court.

(b) The transmitted record shall consist of all portions of the record designated by the parties to the appeal for transmission to the appellate court, as described in Rule 3.05 (b), (c) and (d).

(Amended April 6, 2015, effective July 1, 2015.)

3.02. Transcript of proceedings.

(a) Transcripts in criminal and juvenile matters shall consist of all proceedings including, but not limited to, voir dire, opening statements and final arguments, conferences with the presiding judge, in addition to the testimony of the case and other essential materials.

(b) In all cases other than criminal and juvenile matters, if the proceedings in the trial court were reported by an official court reporter, appellant shall, contemporaneously with the filing of the notice of appeal, file and serve on appellee a description of the parts of the transcript which appellant intends to include in the record and unless the entire transcript is to be included, a statement of the issues appellant intends to present on appeal. If an appellant intends to assert on appeal that a finding or conclusion is unsupported by the evidence or contrary to the evidence, appellant shall include in the record a transcript of all evidence relevant to such finding or conclusion. If appellee deems a transcript of other parts of the proceedings to be necessary appellee shall, within 15 days after service of the designation of the partial transcript by appellant, order such parts from the reporter or procure an order from the trial court directing appellant to do so. At the time of ordering, a party must make arrangements satisfactory to the reporter for payment of the cost of the transcript.

(c) If the proceedings in the trial court were electronically recorded, the audio record of the proceedings shall be received by the district court, sitting as an appellate court, as prima facie evidence of the facts, testimony, evidence and proceedings in such audio record. No transcript of the proceedings shall be required, unless the district court finds that a transcript, or portion, is necessary for appellate disposition. If discretionary review is granted by the supreme court, the parties shall ensure that a true and correct transcript of the relevant trial court proceedings is timely prepared and filed in the trial court for transmission to the supreme court along with the designated portions of the record on appeal. Such transcript is not subject to the certification provision in (d).

(d) All transcripts of testimony, evidence and proceedings shall be certified by the official court reporter, or such other person designated by the trial court to prepare the transcript, to be true and correct in every particular, and when certified it shall be received as prima facie evidence of the facts, testimony, evidence, and proceedings set forth in the transcript. The transcript format shall be 8 ½ x 11 inches and a maximum

of 25 lines per page and no more than 10 characters per inch. Condensed transcripts are disfavored by the supreme court. The reporter shall indicate at the bottom of each page the name of the witness, the name of counsel examining, and the type of examination (e.g., direct, cross). Appended to the transcript shall be a table with page references reflecting the names of the witnesses, the type of examination and the points at which exhibits were offered and admitted or refused. The reporter shall file the original of the completed transcript with the clerk of the trial court within the time fixed or allowed by these rules and the Rules Governing Redactions from Court Records. The transcript shall be certified by the clerk as a part of the trial court record.

(Amended April 6, 2015, effective July 1, 2015.)

3.03. Statement of evidence or proceedings when no report was made or when the transcript is unavailable.

If no report of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, appellant may prepare a statement of the evidence or proceedings from the best available means including appellant's recollection. The statement shall be filed in the trial court and served on appellee within 35 days of the filing of the notice of appeal. Appellee may file and serve objections or propose amendments within 15 days after service. The trial court shall, within 10 days, enter its order settling and approving the statement of evidence, which shall be included by the clerk of the trial court in the record on appeal. If the trial court is unable to settle the record within 10 days, the judge shall notify the appellate court clerk, trial court clerk, and the parties of the delay and anticipated date of completion.

(Amended July 26, 2006, effective December 1, 2006; amended April 6, 2015, effective July 1, 2015.)

3.04. Correction or modification of the record.

If any difference arises as to whether the record discloses what occurred in the trial court, the difference shall be submitted to and settled by that court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated, the parties by stipulation, or the trial court either before or after the record is transmitted to the appellate court, or the appellate court on motion or its own initiative, may direct that the omission or misstatement be corrected, and if necessary that a supplemental record be certified and transmitted. All other questions as to the form and content of the record shall be presented to the appellate court by motion.

3.05. Designation, transmission and retention of record.

(a) Within three working days after the record has been completed (or as otherwise arranged with the clerk of the appellate court), the clerk of the trial court shall advise the clerk of the appellate court in writing that the record has been completed and certified in accordance with these rules, reciting that:

(1) Each page of original papers in a file has been numbered and an index of the papers has been prepared. The clerk of the trial court shall provide copies of the index to the clerk of the appellate court and to the parties;

(2) The transcript or parts ordered for inclusion and necessary exhibits, have been filed or notice that no transcript was created or ordered;

(3) Notification that the trial court has approved a statement of evidence pursuant to Rule 3.03 or an agreed statement pursuant to Rule 3.08.

(4) The date the notice of appeal was filed in the trial court and, if applicable, the filing date of a cross appeal.

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(b) Appellant shall, contemporaneously with filing its brief in the appellate court and service of that brief upon appellee, file with the clerk of the trial court and serve on all parties and the appellate court clerk a designation for transmission of all parts of the record, without unnecessary duplication, to which appellant intends to direct the appellate court in its brief. See Rule 1.03.

(c) If appellee desires to designate additional parts of the record for transmission, appellee shall, contemporaneously with filing appellee's brief in the appellate court, file with the clerk of the trial court and serve upon all parties and the appellate court clerk a designation of those parts of the record desired by appellee. See Rule 1.03.

(d) Appellant may file an additional designation of record within the time any reply brief is to be filed and served. Service shall be on all parties and the appellate court clerk.

(e) Unless the case is a criminal proceeding, no party shall designate the entire record for transmission without an order of the appellate court. Unless specifically relevant to the issue(s) on appeal, record papers, including, but not limited to, setting notices, subpoenas and documents relating to discovery shall not be designated for transmission to the appellate court. Any party who designates unnecessarily duplicative pleadings or other papers not relevant to the appeal may be subject to sanction as provided in Rule 1.03.

(f) After all of the briefs have been filed, the clerk of the appellate court shall request that the clerk of the trial court transmit the designated portions of the record within five working days. The record papers transmitted to the appellate court by the clerk of the trial court shall be securely fastened, in an orderly manner, in one or more volumes consisting of no more than 250 pages per volume, with pages numbered and with a cover page bearing the title of the case and containing the designation "Transmitted Record," followed by a complete index of all papers. The transmitted record on appeal shall be organized as follows:

- (1) The designated pleadings;
- (2) Transcripts, Statement of the Evidence or Agreed Statement and if appropriate, depositions;
- (3) Confidential file;
- (4) *Designated exhibits*. — Individual volumes of transcripts may be combined in an expanding folder. Confidential documents, including Presentence Investigation Reports shall be in a separate volume(s). The clerk of the trial court shall append a certificate identifying the papers with reasonable definiteness. Documents and exhibits of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless so directed by the clerk of the appellate court. A party must make advance arrangements with the clerks of both courts for the transportation to and from the appellate court of exhibits of unusual bulk or weight.

(g) If the appellate court enters an order that the record not be retained by the clerk of the trial court, the clerk of the trial court shall transmit that record to the appellate court in accordance with these rules.

(h) If one or more parties to the appeal fail to designate portions of the record or designate the entire record in a civil appeal, the clerk of the trial court shall promptly notify the clerk of the appellate court.

(Amended May 4, 1999, effective October 1, 1999; amended July 26, 2006, effective December 1, 2006; amended April 6, 2015, effective July 1, 2015.)

3.06. Record for intermediate relief in appellate court.

If prior to the time the record is transmitted a party moves in the appellate court for any intermediate relief, then the clerk of the trial court at the request of the appellate court shall transmit to the appellate court such parts of the record as the appellate court shall designate.

3.07. Return of record to the trial court.

After an appeal has been determined, the transmitted record shall be returned to the custody of the trial court when mandate issues or the appeal is dismissed. (Amended April 6, 2015, effective July 1, 2015.)

3.08. Agreed statement.

(a) In lieu of designations of the record, the parties may prepare and sign a statement of the case showing how the questions arose and were decided in the trial court, and may set forth those facts averred and proved, or sought to be proved, which are essential for review. The parties shall notify the clerk of the trial court, pursuant to Rule 2.05, in writing at the time the notice of appeal is filed that an agreed statement will be used as the record.

(b) The statement shall include: a concise statement of the points on which appellant relies; a copy of the judgment or appealable order; and a copy of the notice of appeal with its filing date. The statement shall be filed with the trial court within 45 days of filing the notice of appeal. The trial court shall, within 15 days, enter its order adopting the statement, or promptly set it for hearing to resolve any disputes. The order and statement shall be included by the clerk of the trial court in the record on appeal. If the trial court is unable to settle the record within 15 days, the judge shall notify the appellate court clerk, trial court clerk and the parties of the delay and anticipated date of completion.

(Amended July 26, 2006, effective December 1, 2006; amended April 6, 2015, effective July 1, 2015.)

3.09. Withdrawing records.

(a) Either party, at that party's expense, may withdraw the record in a case, except the original exhibits, from the office of the clerk of the trial court during the time allowed for the filing of the brief. That party shall be responsible for its safekeeping and shall return it promptly when its brief is filed. A party may agree to transfer the record to another party, provided that notice of the transfer is given to the trial court. No other paper pertaining to a pending case, nor the original exhibits, shall be taken from the office of the trial court clerk without an order of the trial court. This rule supersedes any other court rule.

(b) In criminal cases, notwithstanding any conflicting provisions of paragraph (a), presentence investigation reports and other confidential documents may be withdrawn from the office of the clerk of the trial court without an order of that court by the office of the attorney general, public defender, or other appellate counsel of record.

(c) The transmitted record may not be withdrawn from the office of the clerk of the appellate court without an order from a judge or justice of that court.

(Amended April 6, 2015, effective July 1, 2015.)

Rule 4. Bonds.

4.01. Bond for costs.

Whenever a bond for costs on appeal is required by law, the bond shall be filed or equivalent security shall be deposited in the trial court with the notice of appeal.

4.02. Supersedeas bonds.

(a) Whenever an appellant so entitled desires a stay on appeal, appellant may present to the trial court a supersedeas bond in such amount as shall be fixed by the

trial court and with surety or sureties to be approved by the court or by the clerk of court. The bond shall be conditioned for the satisfaction of the judgment in full together with costs, interest, and damages for delay, if for any reason the appeal is not perfected or is dismissed, or if the judgment is affirmed, and to satisfy in full such modification of the judgment and such costs, interest, and damages as the appellate court may adjudge and award.

(b) When the judgment is for the recovery of money not otherwise secured, the amount of the bond shall be fixed at such sum as will cover the whole amount of the judgment remaining and unsatisfied, costs on appeal, and interest, unless the court, after notice and hearing and for good cause shown, fixes a different amount or orders security other than the bond. When the judgment determines the disposition of the property in controversy, as in real actions, replevin, and actions to foreclose mortgages, or when such property is in the custody of the sheriff, or when the proceeds of such property or a bond for its value is in the custody or control of the court, the amount of the supersedeas bond shall be fixed at the sum as will secure the amount recovered for the use and detention of the property, the costs of the action, costs on appeal, interest, and damages for delay. When appellant has already filed a surety bond in the trial court, a separate supersedeas bond need not be given, except for the difference in amount as determined by the trial court to be attributable to the appeal.

(c) When the judgment directs the execution, assignment or delivery of a conveyance or other instrument, appellant may execute, assign or deliver the conveyance or other instrument, leaving same in the custody of the clerk of the trial court in which the judgment was rendered, there to remain and abide the judgment of the appellate court, and in such case appellant shall give bond only for costs on appeal and damages for delay.

(d) Executors, administrators and guardians shall be required to give a supersedeas bond.

4.03. Restitution undertaking by appellee.

(a) In an action on a contract for the payment of money only, or in an action for injuries to the person, if appellee gives adequate security to make restitution in case the judgment is reversed or modified, appellee may, on leave obtained from the trial court, proceed to enforce the judgment notwithstanding the execution of a supersedeas bond. This security must be an undertaking executed to appellant, with sufficient surety, to the effect that if the judgment be reversed or modified appellee will make full restitution to appellant of the money received under the judgment.

(b) The provisions of paragraph (a) shall not apply to judgments recovered in actions for libel, slander, malicious prosecution, false imprisonment or assault and battery.

4.04. Failure to file or insufficiency of bond.

If a bond on appeal or a supersedeas bond is not filed within the time specified, or if the bond filed is found insufficient, a bond may be filed at such time as may be fixed by the trial court.

4.05. Judgment against surety.

The provisions of Rule 65.1, Wyo. R. Civ. P., apply to a surety upon an appeal or supersedeas bond given pursuant to Rules 4.01, 4.02 and 4.03.

Rule 5. Stay of execution in death and other criminal cases.

5.01. Stay of execution and relief pending appeal.

(a) *Death.* — A sentence of death shall be stayed pending appeal.

(b) *Imprisonment.* — A sentence of imprisonment shall be stayed if defendant appeals and is admitted to bail by the trial court.

(c) *Fine.* — If defendant appeals, a sentence to pay a fine may be stayed by the trial court upon such terms as the trial court deems proper. The trial court may require that defendant deposit the entire fine or costs, or any portion, with the clerk of the trial court, or give bond for the payment, or submit to an examination of assets, and restrain defendant from dissipating the assets.

(d) *Probation.* — If defendant appeals, an order placing defendant on probation will not be stayed, unless a specific order granting stay, or granting admission to bail, or both, is entered by the trial court.

(e) *Admission to bail.* — Admission to bail upon appeal shall be as provided in Rules 46 to 46.2, Wyo. R. Cr. P.

Rule 6. Docketing appeal.

6.01. Docketing appeal and jurisdiction.

(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 transmitted to the appellate court together with the filing fee or an order granting leave to proceed in forma pauperis on appeal. The clerk of the appellate court shall serve the parties to the appeal notice that the appeal has been docketed and set forth the briefing schedule in accord with Rule 7.

(b) The appellate court shall acquire jurisdiction over the matters appealed when the case is docketed. In all cases, the trial court retains jurisdiction over all matters and proceedings not the subject of the appeal, including all matters covered by Rules 4 and 5, unless otherwise ordered by the appellate court.

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

(d) The supreme court shall have jurisdiction of appeals from interlocutory orders of a district court, and questions certified pursuant to Rules 11 or 12, and petitions pursuant to Rule 13.

(e) The appellate court has authority to ascertain its jurisdiction of the appeal once the case is docketed by the clerk of the appellate court.

(Amended May 4, 2001, effective September 1, 2001; amended December 2, 2002, effective January 6, 2003; amended April 6, 2015, effective July 1, 2015.)

Rule 7. Briefs.

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 appellate court caption and appellate court case number;

(2) Identification of party filing the brief; and

(3) The name(s), address(es) and telephone number(s) of the attorney(s) or pro se party(ies) preparing the brief. Members of the Wyoming Bar shall include their Wyoming Bar number.

- (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 citations to the parts of the designated record on appeal relied on.
- (f) An argument (which may be preceded by a summary) setting forth:
 - (1) Appellant's contentions with respect to the issues presented and the reasons therefor, with citations to the authorities, statutes and parts of the designated record on appeal relied on; and
 - (2) For each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues).
- (g) A short conclusion stating the precise relief sought;
- (h) The signature(s) of counsel or pro se party(ies) submitting the brief;
- (i) A certificate of service; and
- (j) An appendix, which shall contain (1) a copy of the judgment or final order appealed from; (2) the trial court's decision letter or other written and/or oral reasons for judgment, if any; and (3) the statement of costs required by rule 10.01. (Amended May 4, 2001, effective September 1, 2001; amended April 6, 2015, effective July 1, 2015.)

7.02. Brief of appellee.

The brief of appellee shall conform to the requirements of Rule 7.01, except that a statement of the issues, or of the case, is not required.

7.03. Reply brief.

(a) Appellant may file a brief in reply which shall comply with the requirements of Rule 7.01 (a), (b), (c), (f), (g), (h), and (i). In lieu of any statement of the issues, the reply brief shall precisely and concisely set forth on the first page those new issues and arguments raised by the brief of the appellee which are addressed in the reply brief. A reply brief is limited to such new issues and arguments, and a failure to comply with these requirements may subject the party to sanctions under these rules including the reviewing court disregarding appellant's reply brief.

(b) If two or more appellees file briefs and new issues and arguments are raised in two or more briefs, the appellant may file a single reply brief addressing those issues. If a single reply brief is filed, the deadline for filing shall be based on the filing of the last brief of appellee.

(Amended May 4, 1999, effective October 1, 1999; amended April 6, 2015, effective July 1, 2015.)

7.04. Additional authorities.

When pertinent and significant authorities come to the attention of a party after the party's brief has been filed, or after oral argument but before decision, a party may file a Notice of Additional Authority, setting forth the citations. There shall be a reference either to the page of the brief or to a point argued orally to which the citations pertain, but the Notice of Additional Authority shall without argument state the reasons for the

supplemental citations. Any response shall be made promptly and shall be similarly limited.

(Amended May 4, 1999, effective October 1, 1999; amended April 6, 2015, effective July 1, 2015.)

7.05. Length, format, binding and number of briefs.

(a) Length of Briefs.

(1) Except by permission of the appellate court, principal briefs shall not exceed 70 pages, and reply briefs shall not exceed 20 pages, exclusive of pages containing the title page, table of contents, table of authorities, certificate of service and appendices.

(b) Format of Briefs.

(1) Brief pages shall not exceed 8½ by 11 inches. Margins shall not be less than one inch on all sides;

(2) Text of briefs shall be double-spaced (except quotations of more than 50 words);

(3) Briefs must be in an easily readable font, with no smaller type or font than 13 point.

(4) Footnotes shall be in the same size of type as the text of the brief and double-spaced except quotations of 50 words or more; and

(5) Appendices on legal-sized paper should be reduced to 8½ by 11 inch paper and readily legible.

(c) Binding of briefs.

Briefs shall be bound only at the upper left-hand corner by staple, paper clip or binder clip.

(d) Number of briefs filed is governed by Rule 1.01.

(e) The paper copy of the brief submitted for filing shall be an identical version of the brief electronically filed and accepted by the appellate court except the original signature(s).

(Amended May 4, 1999, effective October 1, 1999; amended April 6, 2015, effective July 1, 2015.)

7.06. Time for filing and serving briefs.

(a) Filing of briefs is subject to Rule 1.01.

(b) Brief of appellant.

(1) Appellant shall file its brief within 45 days after service of the notice that the case is docketed in the appellate court as provided in Rule 6.01 and, in cases where service is not accomplished through CTEF, concurrently serve one copy of that brief on each party.

(c) Brief of appellee.

(1) Appellee shall file, its brief within 45 days after service of appellant's brief and, in cases where service is not accomplished through CTEF, shall concurrently serve one copy on each party.

(d) Reply brief.

(1) Appellant may file its reply brief within 15 days after the service of appellee's brief and, in cases where service is not accomplished through CTEF, shall concurrently serve one copy on each party.

(d) Abbreviated schedule.

(1) The appellate court may order a shorter time to file and serve briefs.

(2) In all cases involving termination of parental rights, adoptions, abuse and neglect, juvenile delinquency and CHINS, the supreme court will not entertain a motion to extend briefing by any party.

(Amended April 6, 2015, effective July 1, 2015.)

7.07. Service of briefs on attorney general.

In all cases in which the state is a party, or in which any of its property is involved, or in which a statute, ordinance or franchise is alleged to be unconstitutional, including criminal cases upon reserved questions, and cases arising upon exceptions taken in a criminal case by the district attorney, counsel shall also serve a copy of the brief upon the attorney general.

7.08. Briefs in criminal cases upon exceptions of district attorney.

In criminal cases arising upon the filing of a bill of exceptions by the district attorney, the time for filing and serving briefs shall be governed by Rule 7.06, computed from the time the bill is filed with the supreme court. In case of delay in the appointment of counsel to argue the case against the exceptions beyond the time allowed for the briefs on behalf of the state, counsel shall have the full time allowed that side after the appointment and service of the opposing brief.

7.09. Pleadings in original cases.

(a) In all cases originally commenced in the supreme court, the party shall file that pleading along with the filing fee required by Rule 2.09 or a motion to proceed in forma pauperis, with the clerk of the supreme court. Any party against whom such relief is sought shall file such response and briefs as the court may direct.

(b) Rule 1.01 applies.

(Amended April 6, 2015, effective July 1, 2015.)

7.10. Extension of time.

(a) An extension of time in which to file briefs may only be obtained from the appellate court upon a motion certifying good cause made before the time to file the brief expires. A motion for extension of time shall be filed at least 3 working days before the brief is due. If the motion is filed less than 3 working days before the brief is due, then the motion shall detail why the party was unable to make the request in a timely manner. Motions filed in the district court must be accompanied by an order in the proper form.

(b) Good cause, as used in this rule, includes such things as a death in counsel's immediate family, serious illness, or other unanticipated circumstances which justify delay of the appellate process. Generalities such as "counsel is too busy" are not a sufficient reason for granting an extension.

(c) Absent extraordinary circumstances, motions to extend the time to file reply briefs will not be considered.

(Amended April 6, 2015, effective July 1, 2015.)

7.11. Failure to file.

(a) If in any case the party holding the affirmative fails to file a brief within the time fixed by law or the rules herein, the case shall be dismissed on the ground of want of prosecution.

(b) When the party holding the negative has failed to file and serve a brief as is required by these rules, and the brief of the party holding the affirmative has been duly filed and served within the time required, the party holding the affirmative may submit the case, with or without oral argument, and the other party shall not be heard.

(Amended April 6, 2015, effective July 1, 2015.)

7.12. Amicus curiae.

(a) A brief of an amicus curiae may be filed only by leave of court granted on motion or the request of the appellate court.

(b) The motion must be accompanied by a separate proposed brief and state:

(1) the movant's interest in the issues raised in the case;

(2) the reasons an amicus brief is appropriate and desirable;

(3) the view of the movant with respect to whether a party is not represented competently or is not represented at all;

(4) the interest of the amicus in some other case that may be affected by the decision in the case before the court; and

(5) any unique information or perspective the amicus has that can be of assistance to the court beyond that the lawyers for both parties can provide.

(c) The amicus brief shall comply with Rule 7.01 except that no statement of issues, statement of the case, or an appendix shall be required. In addition the cover page must identify the party or parties supported and indicate whether the brief supports affirmance or reversal.

(d) The amicus brief shall not exceed 35 pages, and shall otherwise conform to the requirements of Rule 7.05.

(e) An amicus curiae must file its motion not later than 11 days after the principal brief of the party being supported is filed. An amicus curiae who does not support either party must file its brief not later than 11 days after the first brief of any party is filed.

(f) An amicus curiae is not permitted to file a reply brief.

(g) The motion will be considered by the court and, if granted, the proposed brief shall be filed as part of the case. If the motion is denied, then the proposed brief shall not be filed and will not be made part of the case.

(h) Participation in oral arguments by the amicus curiae shall be granted only with the court's permission and the consent of the party supported, and only for extraordinary reasons with the time used to be charged against the party whose contentions amicus curiae supports.

(Amended May 4, 1999, effective October 1, 1999; amended April 6, 2015, effective July 1, 2015.)

7.13. Guardian ad litem.

(a) A lawyer appointed as a guardian *ad litem* (GAL) by a district court, or a lawyer retained to represent a GAL, may participate in any appeal involving the matter for which the GAL has been appointed.

(b) *Brief of GAL.* — A GAL may submit a brief in support of any party to an appeal. If the GAL does not support any party, the GAL may submit a brief only with the permission of the court, which may be granted upon motion of the GAL made on or before the time specified in Rule 7.12. All provisions of Rule 7.12 shall apply to a GAL who does not support any party. If the GAL supports a party:

(1) The brief of the GAL shall be submitted on or before the time specified for the party whom the GAL supports.

(2) The brief of the GAL shall comply with Rule 7.01, except that no statement of issues, statement of the case, or an appendix shall be required. In addition, the cover page must identify that the brief is being submitted by a GAL and indicate whether the brief supports affirmance or reversal.

(3) The brief of the GAL shall not exceed 35 pages, and shall otherwise conform to the requirements of Rule 7.05.

(4) A GAL who supports an appellant is not permitted to file a reply brief.

(c) *Oral argument.* — Participation in oral argument by the GAL shall be granted only with the court's permission and only for extraordinary reasons. The GAL's

argument shall not exceed 10 minutes, which shall be in addition to the time allotted to the parties pursuant to Rule 8.02.

(Added July 26, 2006, effective December 1, 2006; amended April 6, 2015, effective July 1, 2015.)

Rule 8. Oral arguments.

8.01. Settings and appearance.

(a) In the supreme court there will be two disposition dockets:

(1) *The brief only docket.* — Cases assigned to this docket will be considered submitted upon entry of an order assigning case to the brief only docket, without oral argument; and

(2) *The oral argument docket.* — Cases assigned to this docket will not be considered submitted until the oral argument has been held.

(b) Any party may request submission of its case upon its brief without oral argument upon written notice to the clerk.

(c) The clerk of the appellate court shall promptly notify all parties if a case is assigned to the brief only docket. Any party may move, with good cause shown, not later than 15 days after the entry of the order assigning a case to the brief only docket, to have the case reassigned to the argument docket. The case may be reassigned in the discretion of the appellate court.

(d) The clerk shall notify parties of cases set for oral argument. A motion to vacate an oral argument may be considered by the court without hearing. If counsel has a conflict with other court proceedings, then the motion to vacate oral argument shall include the reasons why those proceedings should take priority over the case before the appellate court. In cases where two or more attorneys represent a party or parties and one or more of the attorneys is unavailable for oral argument, the court expects appearance of other counsel of record.

(Amended April 6, 2015, effective July 1, 2015.)

8.02. Procedure; time allowed for argument.

(a) In oral argument, appellant shall be entitled to the opening. Appellee may then be heard. Appellant may then conclude. Unless otherwise ordered by the court, each side may not exceed 30 minutes in argument. If more time is desired, the request must be made by filing a motion no less than 15 days before oral argument. The court may order additional time as it deems proper.

(b) When two or more cases are consolidated or otherwise combined for oral argument, it will be limited to 1 hour unless otherwise ordered by the court. If there are multiple appellants or appellees, 30 minutes is allotted for each side and the attorneys are expected to divide the time.

(Amended July 26, 2006, effective December 1, 2006; amended April 6, 2015, effective July 1, 2015.)

Rule 9. Decisions, rehearing, mandate.

9.01. Opinions.

The decision of the appellate court shall be set forth in a written opinion or order and filed with the clerk.

9.02. Reversal in part.

If a judgment or appealable order is reversed in part, for error relating only to an issue which is not dependent for its proper trial on any other issue or issues found to have been properly tried, then a partial new trial may be directed by the appellate court, if a trial on that issue does not prejudice or work an injustice on any party.

9.03. Proceedings after reversal.

When a judgment or an appealable order is reversed in the appellate court, either in whole or in part, the court reversing shall proceed to render that judgment as the trial court should have rendered, or remand the cause to the trial court for judgment or additional proceedings as the appellate court may direct. If an appellate court reverses or affirms the judgment or appealable order, it shall not issue execution in causes that are brought before it but shall send a mandate to the trial court, as the case may require, for execution, and the trial court to which the mandate is sent shall proceed in the same manner as if the judgment or appealable order had been rendered in that court.

9.04. Harmless error.

Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded by the reviewing court.

9.05. Plain error.

Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the trial court.

9.06. Abbreviated opinions.

(a) The supreme court by unanimous vote may, sua sponte, enter an abbreviated opinion affirming or reversing the judgment or order of the district court for the reason that it is clear that affirmance or reversal is required because:

- (1) the issues are clearly controlled by settled Wyoming law or federal law binding upon the states;
- (2) the issues are factual and there clearly is sufficient evidence to support the jury verdict or findings of fact below;
- (3) summary judgment was erroneously granted because a genuine issue of material fact exists; or
- (4) the issues are ones of judicial discretion and there clearly was or was not an abuse of discretion.

(b) An abbreviated opinion will provide the ultimate disposition without a detailed statement of facts or law. Such abbreviated opinions shall be published.

(c) A petition for rehearing of a case decided under this rule may be served and filed pursuant Rule 9.08.

9.07. Answering Certified Questions.

The written opinion of the reviewing court, stating the law governing each question certified, shall be sent by the clerk of the reviewing court under the court's seal to the certifying court or agency and to the parties. No mandate shall issue after publication of answers to certified questions.

(Adopted April 6, 2015, effective July 1, 2015.)

9.08. Petition for rehearing.

(a) A petition for rehearing of a case in the appellate court may be filed no later than 15 days after the decision is rendered. The petition shall be accompanied by a brief covering the points and authorities upon which the petitioner relies. The petition and brief may be combined and filed as one document. A copy of the petition and the brief shall, within the time above specified, be served upon all parties. There shall be no oral argument on petitions for rehearings unless argument is requested by the appellate court.

(b) Rule 1.01 applies.

(Amended July 26, 2006, effective December 1, 2006; amended April 6, 2015, effective July 1, 2015.)

9.09. Suspension of proceedings.

The filing of the petition for rehearing within the time allowed shall suspend proceedings under the decision until the petition is decided, unless the appellate court shall otherwise order.

(Amended April 6, 2015, effective July 1, 2015.)

9.10. Rehearing granted.

When a rehearing is granted, the other party, within 15 days of entry of the order granting rehearing, shall file with the appellate court an answer and supporting brief as described in Rule 9.08, which shall also be served upon petitioner. After considering the petition and response, the court may amend the written opinion or direct other proceedings if it is deemed necessary.

(Amended April 6, 2015, effective July 1, 2015.)

9.11. Mandate.

(a) Upon the denial of a petition for rehearing, or if within 15 days after the decision no petition for rehearing or other motion is filed, a mandate shall be issued to the trial court, as the case may require, for execution. A copy of the mandate shall be sent to all parties.

(b) In a criminal appeal when the judgment and sentence is reversed either in part or entirely, a copy of the mandate and opinion shall be sent to the warden of the facility if the party is incarcerated and to the attorney general representing the department of corrections.

(c) The mandate issued will award costs, if applicable, to the prevailing party. The appellate court is without jurisdiction to entertain a motion for costs once the mandate has issued returning jurisdiction to the trial court.

(Amended May 4, 2001, effective September 1, 2001; amended April 6, 2015, effective July 1, 2015.)

Rule 10. Costs and fees.

10.01. Cost of record, docket and service fees.

(a) Appellant, at the time of filing appellant's brief, must file with the clerk of the appellate court a statement of the cost of the original transcript of the evidence with certification regarding the payment.

(b) The docket fees charged for the services of the clerk in the appellate court for criminal cases, where there is no statute to the contrary, shall be the same as those prescribed in civil cases.

(c) No award of costs shall be made in a case where the party is proceeding in forma pauperis unless costs are awarded by the reviewing court in the mandate.

(d) A party not admitted to the practice of law in Wyoming and proceeding pro se on appeal shall not be entitled to an award of attorney fees.

(Amended April 6, 2015, effective July 1, 2015.)

10.02. Fees in reserved cases, certified cases, and rule 13 cases.

In each civil case sent to an appellate court upon reserved questions, certified cases and Rule 13 cases, the usual docketing fee required by law to be paid in other cases shall be paid upon the filing of the papers in the court. Such docketing fee shall be advanced by the party or parties designated by the trial court or judge, but in the absence of any such designation, then by the plaintiff or petitioner in the action. Recovery of costs in these cases shall be the same as in appeals with petitioner and respondent substituted for appellant and appellee where applicable.

(Amended April 6, 2015, effective July 1, 2015.)

10.03. Costs on bill of exceptions, certified and reserved questions in criminal cases.

No fees shall be collected in criminal cases properly filed with the supreme court on certification, reserved questions, or by bill of exceptions of a district attorney unless otherwise provided by statute.

(Amended April 6, 2015, effective July 1, 2015.)

10.04. Costs on reversal.

When a judgment or appealable order is reversed, appellant shall recover costs. The costs are awarded in the mandate and shall be as follows: the cost of making the transcript of the evidence in the case, the docketing fees paid at the time of filing the notice of appeal, the cost of producing the original brief which shall be computed at the per page rate allowed by law for making the transcript, and the cost of copies for the briefs filed in the court and served on appellee. When the judgment of appealable order is reversed in part and affirmed in part, the court may apportion the costs between the parties in such manner as it deems equitable. The appellate court may refuse to allow as part of such costs those portions as may clearly appear to have been unnecessary.

(Amended April 6, 2015, effective July 1, 2015.)

10.05. Costs and penalties on affirmance.

(a) When the judgment or appealable order is affirmed in a civil case, appellee shall recover costs. The appellee may also recover costs when appeal is dismissed in the court opinion after full briefing. The costs are awarded in the mandate and shall be as follows: the costs of producing the original brief which shall be computed at the per page rate allowed by law for making the transcript, and the cost of copies for the briefs filed in the court and served on the appellant. If the appellant failed to order and pay for a transcript of the evidence of the case or only ordered a portion of the transcript, then if appellee ordered necessary portions of the transcript, appellee shall recover the costs expended ordering the transcript.

(b) If the court certifies, whether in the opinion or upon motion, there was no reasonable cause for the appeal, a reasonable amount for attorneys' fees and damages to the appellee shall be fixed by the appellate court and taxed as part of the costs in the case. The amount for attorneys' fees shall not be less than one hundred dollars (\$100.00) nor more than ten thousand dollars (\$10,000.00). The amount for damages to the appellee shall not exceed two thousand dollars (\$2,000.00).

(c) If the court finds that circumstances warrant, the taxation of fees, costs and sanctions may be entered against counsel of record and not the appellant if the court finds any of the following:

- (1) Counsel has filed a deficient brief or the brief contains misrepresentations and omissions;
- (2) Counsel has filed a brief that failed to follow these rules;
- (3) Counsel ignored or failed to perform any meaningful research of the law and to make a determination the claim on appeal is without merit;
- (4) Counsel, not appellant, is responsible for bringing a frivolous appeal;
- (5) Counsel is dilatory in prosecuting the appeal by missing filing deadlines, receiving sanctions for failure to provide notice of appeal and/or designation of record or failing to comply with orders entered by the court;
- (6) Other misconduct determined in the discretion of the appellate court.

(Amended April 6, 2015, effective July 1, 2015.)

10.06. Time for filing costs and fees.

Any motions for costs or fees shall be filed with the court within 15 days after the final written opinion or order is filed.

10.07. In forma pauperis [Repealed].

Repealed April 6, 2015, effective July 1, 2015.

Rule 11. Certification of questions of law.

11.01. Generally.

The supreme court may answer questions of law certified to it by a federal court or a state district court, and a district court may answer questions of law certified to it by a circuit court, municipal court or an administrative agency, if there is involved in any proceeding before the certifying court or agency a question of law which may be determinative of the cause then pending in the certifying court or agency and concerning which it appears there is no controlling precedent in the decisions of the supreme court. Any decision rendered by a district court under this section may be reviewed by the supreme court only through the provisions for writ of review, Rule 13. (Amended May 4, 2001, effective September 1, 2001; amended December 2, 2002, effective January 6, 2003.)

11.02. Method of invoking.

Rule 11 may be invoked upon the motion of the court or of any party to the cause.

11.03. Contents of certification order.

A certification order shall set forth:

- (a) The questions of law to be answered;
- (b) A statement of all facts relevant to the questions certified;
- (c) The nature of the controversy in which the questions arose; and
- (d) A designation of the party or parties who will be the appellant(s), i.e. the party holding the affirmative, in the appellate court.

11.04. Preparation of certification order.

(a) The certification order shall be prepared by the certifying court or agency, signed by the judge presiding at the hearing or a designated individual for the agency, and forwarded to the reviewing court by the clerk of the certifying court or the designated individual for the agency under the official seal of the court or agency along with the appropriate docket fee. The reviewing court may require the original or copies of all, or of any portion of the record before the certifying court, to be filed under the certification order, if, in the opinion of the reviewing court, the record or any portion may be necessary in answering the questions.

(b) The reviewing court shall accept or reject a certified question within 30 days of docketing the certification order. A request for certification is deemed denied if not granted within 30 days of filing in the reviewing court. If the reviewing court rejects the question, the case will be closed and no request for reconsideration will be allowed. (Amended April 6, 2015, effective July 1, 2015.)

11.05. Costs.

(a) Fees and costs shall be the same as in civil appeals docketed before the reviewing court. Payment of the docketing fee shall be borne by the party seeking certification. If both parties seek certification, then the parties shall each pay one-half of the docketing fee. In any other circumstances, fees and costs shall be paid as directed by the certifying court in its order of certification.

(b) No fees shall be collected in questions certified in criminal cases properly filed with the appellate court. (Amended April 6, 2015, effective July 1, 2015.)

11.06. Briefs and argument.

Upon the agreement of the reviewing court to answer the certified questions, notice shall be given to all parties. The question(s) to be answered may be altered by the reviewing court. The appellant shall file a brief within 45 days from service of the order agreeing to answer questions and the appellee shall file a brief within 45 days from service of appellant's brief. Briefs must be in the manner and form of briefs as provided in Rules 1.01 and 7, and oral arguments shall be as provided in Rule 8. (Amended April 6, 2015, effective July 1, 2015.)

11.07. Opinion [Repealed].

Repealed April 6, 2015, effective July 1, 2015.

Rule 12. Judicial review of administrative action.

12.01. Generally.

To the extent judicial review of administrative action by a district court is available, any person aggrieved or adversely affected in fact by a final decision of an agency in a contested case, or who is aggrieved or adversely affected in fact by any other agency action or inaction, or who is adversely affected in fact by a rule adopted by that agency, may obtain such review as provided in this rule. All appeals from administrative agencies shall be governed by these rules.

12.02. Definitions.

As used in Rule 12, the words "agency", "contested case", "party", "person" and "rule" (when referring to an agency or administrative rule), shall have the meanings set forth

in Wyo. Stat. 16-3-101, provided, that “agency” shall not mean a sheriff, clerk of court, district court commissioner, master, referee, receiver, appraiser, executor, administrator, guardian, commissioner appointed by a court, or any other officer of a court or officer appointed by a court, the governing body of a city or town, or the state legislature.

12.03. Institution of proceedings.

(a) The proceedings for judicial review under Rule 12 shall be instituted by filing a petition for review in the district court having venue. No other pleading shall be necessary, either by petitioner or by the agency or by any other party. No summons shall be necessary. The petition shall conform to the requirements set forth in Rule 12.06.

(b) Copies of the petition shall be served upon the agency and all parties in accordance with Rule 5, Wyo. R. Civ. P.

(Amended May 4, 1999, effective October 1, 1999; amended May 4, 2001, effective September 1, 2001; amended April 6, 2015, effective July 1, 2015.)

12.04. Time for filing petition; cross-petitions for review; ordering transcript.

(a) In a contested case, or in an uncontested case, even where a statute allows a different time limit on appeal, the petition for review shall be filed within 30 days after service upon all parties of the final decision of the agency or denial of the petition for a rehearing, or, if a rehearing is held, within 30 days after service upon all parties of the decision.

(b) Upon a showing of excusable neglect the district court may extend the time for filing the petition for review for no more than 30 days from the expiration of the original time prescribed in paragraph (a).

(c) If a timely petition for review is filed by any party, any other party may file a cross-petition for review within 15 days of the date on which the first petition for review was filed. A cross-petition for review shall conform to the requirements set forth in Rule 12.06.

(d) Concurrently with the filing of a petition for review, or a cross-petition for review, the party so filing shall order and arrange for the payment for a transcript of the testimony necessary for the appeal. Written evidence disclosing the portions of the transcript ordered and compliance with this paragraph shall be served upon the agency and all parties as provided in Rule 5, Wyo.R.Civ.P.

(Amended May 4, 1999, effective October 1, 1999; amended May 4, 2001, effective September 1, 2001; amended April 6, 2015, effective July 1, 2015.)

12.05. Stay of enforcement.

Filing of the petition does not itself stay enforcement of the agency decision. The reviewing court may order a stay upon appropriate terms. If the stay involves an order preventing an agency or another party from committing or continuing an act or course of action, the provisions of Rule 65, Wyo. R. Civ. P., relating to injunctions shall apply.

12.06. Requirements of petition.

The petition for review shall not exceed five pages in length, excluding appendix, and shall be in the format described in Rule 7.05(b). The petition for review shall include:

(a) A concise statement showing jurisdiction and venue;

(b) The specific issues of law addressed to the district court for review;

(c) For petitions in contested cases, a list of all persons or agencies formally identified as parties, as defined in W.S. 16-3-101(b)(vi); in all other cases, a person

seeking judicial review of agency action must affirmatively file as a petitioner under W.S. 16-3-114 to be considered as a party;

(d) For petitions of contested cases, a brief statement of the facts relevant to the legal issues raised before the agency, showing the nature of the controversy in which the legal issues arose;

(e) A copy of the agency decision attached as an appendix; and

(f) The name, file number and court in which any related petition for judicial review is pending.

(Amended May 4, 1999, effective October 1, 1999.)

12.07. Record.

(a) Within 60 days after the service of petition, or within the time allowed by the reviewing court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceedings under review and a separate letter of transmittal marked for the personal attention of the judge or judges of the reviewing court.

(1) The record papers shall be securely fastened, in an orderly manner, in one or more volumes consisting of no more than 250 pages per volume, with pages sequentially numbered with a “redback” or other sturdy cover bearing the title of the case and containing the designation “Transmitted Record,” followed by a complete index of all papers.

(2) Transcripts shall be in separate folder, with the designation “Transcripts”;

(3) Exhibits considered by the agency shall be compiled with the designation, “Exhibits.”

The agency shall provide copies of the index to the reviewing court and to the parties. Concurrently with transmitting the record, the agency shall serve notice of the transmittal on all parties.

(b) The record in a contested case shall consist of the matter required by Wyo.Stat. Ann. § 16-3-107(o), Wyoming Administrative Procedures Act. To the extent any matter required was not preserved by the agency and there is no record, the court may take evidence on that matter. The record in all other cases shall consist of the appropriate agency documents reflecting the agency action and its basis. By stipulation of all parties to the review proceedings, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be disciplined in accordance with Rule 1.03. The reviewing court may require or permit subsequent additions or corrections to the record. A record remanded by a court to an agency for any reason or purpose may be recalled by the remanding court, as necessary, upon its own motion.

(c) Any record which fails to comply with Rule 12.07(a) may be returned to the agency by the district court or supreme court for compliance.

(Amended May 4, 1999, effective October 1, 1999; amended April 6, 2015, effective July 1, 2015.)

12.08. Presentation of evidence.

If, before the date set for hearing, application is made to the reviewing court for leave to present additional evidence, and it is shown to the satisfaction of the court the additional evidence is material, and good cause for failure to present it in the proceeding before the agency existed, the reviewing court, in contested cases, shall order the additional evidence to be taken before the agency upon those conditions determined by the reviewing court. The agency may adhere to, or modify, its findings and decision after receiving such additional evidence, and shall supplement the record to reflect the proceedings had and the decision made. Supplemental evidence may be taken by the reviewing court in cases involving fraud, or involving misconduct of some

person engaged in the administration of the law affecting the decision. In all cases other than contested cases, additional material evidence may be presented to the reviewing court.

12.09. Extent of review.

(a) Review shall be conducted by the reviewing court and shall be confined to the record as supplemented pursuant to Rule 12.08 and to the issues set forth in the petition and raised before the agency. Review shall be limited to a determination of the matters specified in Wyo.Stat. Ann. § 16-3-114(c).

(b) Upon such review, or in response to a motion for certification or interlocutory appeal by any party within 30 days of the filing of the petition for review and after allowing fifteen (15) days from service for response, the district court may, as a matter of judicial discretion, certify the case to the supreme court. In determining whether a case is appropriate for certification, the district court shall consider whether the case involves:

- (1) a novel question;
- (2) a constitutional question;
- (3) a question of state-wide impact;
- (4) an important local question which should receive consideration from the district court in the first instance;
- (5) a question of imperative public importance; or
- (6) whether an appeal from any district court determination is highly likely such that certification in the first instance would serve the interests of judicial economy and reduce the litigation expenses to the parties.

(c) Not later than 15 days after its receipt of the completed record, the district court shall notify the parties of its decision concerning certification by order, which shall include a concise statement of the issues raised in the petition and findings which support the determination concerning certification. Upon entry of an order of certification, the petitioner shall pay the required docketing fee. After receipt of the docket fee from the petitioner, the clerk of the district court shall:

- (1) forward a copy of the order of certification, the petition for review, and agency decision to the reviewing court; and
- (2) send the docket fee to the clerk of the supreme court.

(d) The supreme court, in its discretion, may accept or reject a certified case, and it shall accept or reject the case within 30 days of receiving the certification order. If a case is rejected by the supreme court the review shall be conducted by the district court in accordance with paragraphs (a), (e) and (f) of this rule. The filing of the record, briefs, and oral argument in the supreme court shall be as in civil cases pursuant to Rules 2.08, 4, 7, and 8.

(e) For all cases not certified to the supreme court, the district court may receive written briefs and hear oral argument in its discretion. The briefing schedule shall be fixed by the district court.

(f) The district court's judgment shall be in the form of an order affirming, reversing, vacating, remanding or modifying the order for errors appearing on the record. The district court may also dismiss the appeal for procedural defects including want of prosecution and such dismissal shall be subject to reinstatement pursuant to Rule 15. No mandate shall issue from the district court in Rule 12 cases.

(g) The district court's judgment may be challenged by a petition for rehearing pursuant to W.R.A.P. 9.08. Except where there has been a timely petition for rehearing filed, the time for appeal is measured from the entry of the judgment.

(Amended May 4, 1999, effective October 1, 1999; amended May 4, 2001, effective September 1, 2001; amended April 6, 2015, effective July 1, 2015.)

12.10. Joint or several appeals; agreed statement.

The provisions of Rules 1.06 and 3.08 apply to appeals from administrative agencies to the district court.

12.11. Review by supreme court.

(a) An aggrieved party may obtain review of any final judgment of the district court by appeal to the supreme court.

(b) If the final judgment of the district court is appealed to the supreme court, filing the record, including transcripts of relevant electronically recorded proceedings, briefs, and oral argument in the supreme court shall be as in civil cases pursuant to Rules 1.01, 3, 7, and 8.

(Amended July 26, 2006, effective December 1, 2006; amended April 6, 2015, effective July 1, 2015.)

12.12. Relief available by independent action.

The relief, review, or redress available in suits for injunction against agency action or enforcement, in actions for recovery of money, in actions for a declaratory judgment based on agency action or inaction, in actions seeking any common law writ to compel, review or restrain agency action shall be available by independent action notwithstanding any petition for review.

Rule 13. The petition for a writ of review.

13.01. Generally.

(a) All applications to the supreme court for interlocutory or extraordinary relief from orders of the district courts, including such applications as are established by statute (e.g., Wyo.Stat.Ann. § 5-2-119 and 7-14-107), may be made as petitions for a writ of review. Granting of a petition is within the discretion of the supreme court.

(b) All applications to a district court for interlocutory or extraordinary relief from orders of administrative agencies and the municipal and circuit courts, including such applications as are established by statute, may be made as petitions for a writ of review. Granting of a petition is within the discretion of the district court.

(c) The petitioner for a writ of review shall specifically state the nature of review desired and the relief sought.

(d) Writs of habeas corpus, mandamus, prohibition, quo warranto or any prerogative writ shall be treated as a writ of review under this rules. In any petition made to the supreme court for a writ to be issued in the exercise of its original jurisdiction and for which an application might have been lawfully made to some other court in the first instance, the petition shall, in addition to the necessary matter required by the rules of law to support the application, also set forth the circumstances which, in the opinion of the petitioner, render it necessary or proper that the writ should issue originally from the supreme court, and not from such other court, and the sufficiency or insufficiency of such circumstances will be determined by the court in awarding or refusing the application. In case any court, justice or other officer, or any board or other tribunal, in the discharge of duties of a public character, be named in the petition as defendant or respondent, the petition shall also disclose the name or names of the real party or parties, if any, in interest, or whose interest would be directly affected by the proceedings.

(Amended May 4, 2001, effective September 1, 2001; amended December 2, 2002, effective January 6, 2003; amended April 6, 2015, effective July 1, 2015.)

13.02. When interlocutory review may be granted.

A writ of review may be granted by the reviewing court to review an interlocutory order of a trial court in a civil or criminal action, or from an interlocutory order of an administrative agency, which is not otherwise appealable under these rules, but which involves a controlling question of law as to which there are substantial bases for difference of opinion and in which an immediate appeal from the order may materially advance resolution of the litigation.

13.03. Petition and response to petition.

(a) A petition for a writ of review must be filed with the reviewing court within 15 days after entry of the order from which relief is sought. Each petition shall be accompanied by:

(1) a docket fee; or

(2) a petitioner in a criminal case eligible to proceed in forma pauperis shall file a motion for leave to proceed, together with an affidavit documenting the petitioner's inability to pay fees and costs or to give security. The affidavit shall have attached a statement from the institution in which petitioner is incarcerated detailing income and expenses for the prior six months.

(b) Any party may file a response within 15 days after filing of the petition.

(c) The reviewing court may grant the petition anytime after the 30th day after entry of the order from which relief is sought or as soon as both the petition and the response have been filed with the reviewing court. The petition shall be deemed denied if the reviewing court does not accept review within 40 days from the date of filing of the petition.

(d) Rule 1.01 applies.

(Amended May 4, 2001, effective September 1, 2001; amended July 26, 2006, effective December 1, 2006; amended April 6, 2015, effective July 1, 2015.)

13.04. Contents of petition for writ of review.

The petition shall be captioned in the reviewing court. It shall contain concise statements of the following:

(a) The nature of the review desired and the relief sought;

(b) The facts necessary to an understanding of the controlling questions of law determined by the lower court or administrative agency;

(c) The question itself;

(d) The principles of law upon which petitioner relies, with citation of authorities in support but without argument;

(e) A statement explaining why the ends of justice require review;

(f) A certification that the petition is not interposed for purpose of delay; and

(g) A certification that no notice of entry of the order sought to be reviewed was provided, if such is the case.

(h) In addition to service on respondent, a copy of the petition, without attachments, shall also be served on the trial court and/or administrative agency whose decision is subject to review.

(Amended April 6, 2015, effective July 1, 2015.)

13.05. Exhibits and attachments to the petition for a writ of review.

Unless otherwise ordered by the reviewing court, copies of the following shall be attached as exhibits to all petitions for a writ of review:

(a) All relevant pleadings;

(b) The order sought to be reviewed;

(c) All pertinent findings of fact and conclusions of law and memorandum opinions; and

(d) Any other documents or exhibits petitioner may deem essential.

(Amended May 4, 1999, effective October 1, 1999.)

13.06. Stay of lower court or administrative agency proceedings.

A petition for a writ of review shall not stay proceedings in the trial court or administrative agency unless the trial court or agency, or reviewing court, so orders.

13.07. Writ of review.

(a) The order granting the writ of review may set forth the particular issue or point of law which will be considered and may be on such terms as the reviewing court conditions. If the petition is granted, all proceedings including briefing, designation and transmission of the record shall be within the time and in the manner required for appeals unless otherwise ordered by the reviewing court. Pursuant to Rule 3.02(c), any audio recording relevant to the review shall be transcribed and filed as part of the record. Oral argument will not be held except at the direction of the reviewing court.

(b) If the petition for writ of review is denied, then the case shall be closed upon entry of the order denying review and no petition for reconsideration or rehearing will be allowed.

(Amended April 6, 2015, effective July 1, 2015.)

13.08. Disposition of the writ when granted.

If the writ of review is granted, the reviewing court may reverse, vacate, remand or modify the decision for errors appearing on the record.

13.09. Duties of clerks.

When a petition for a writ of review is decided, the clerk of the reviewing court shall enter that order and shall serve the order on the trial court or administrative agency and counsel of record either by CTEF or mail.

Rule 14. Service of papers and computation of time.

14.01. Service; how made.

(a) Whenever, under these rules, service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the attorney unless personal service upon the party is ordered by the court. Service upon the attorney or upon the party shall be made by delivering a copy to that party or by mailing it to the last known address.

(b) Delivery of a copy within this rule means handing it to the attorney or to the party, or leaving it at the party's office with the clerk or other person in charge, or leaving it in a conspicuous place, or, if the office is closed or the person to be served has no office, leaving it at the party's dwelling house or usual place of abode with some member of the family over the age of 14 years who resides there or otherwise, as provided in Wyo. R. Civ. P. 5. Service by mail is complete upon mailing.

(c) For all cases filed through CTEF, the notice of electronic filing that is automatically generated constitutes service of the document on CTEF users and the additional service of a hardcopy is not necessary. Each registered user of the CTEF system is responsible for assuring that their email account is current, is monitored regularly, and that email notices are opened in a timely manner. The notice of electronic filing

generated by CTEF does not replace the certificate of service on the document being filed.

(d) The registered user's name and password required to submit documents to the CTEF serve as the user's signature on all electronic documents filed with the Court. An electronically filed document shall contain a signature line in the following manner: s/Attorney's Name.

(Amended April 6, 2015, effective July 1, 2015.)

14.02. Computation of time.

In computing any period of time prescribed or allowed by these rules, or by order of court, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper, a day on which weather or other conditions have closed the office of the clerk of the court, in which event the period runs until the end of the next day which is not one of the above described days. As used in this rule "legal holiday" includes any day officially recognized as a legal holiday in this state by designation of the legislature, appointment as a holiday by the chief justice of the Wyoming Supreme Court, or any day designated as such by local officials.

(Amended April 6, 2015, effective July 1, 2015.)

14.03. Additional time after service by mail.

(a) Whenever a party has the right, or is required to do some act or take some proceedings within a prescribed period from or after the service of a brief, notice or other paper upon that party, and the brief, notice or other paper, is served upon the party by mail or by delivery to the clerk, three days shall be added to the prescribed period.

(b) When a party is required to take action within a prescribed period after filing or date certain, no additional time shall be added for service by mail to the prescribed period or date certain.

(Amended April 6, 2015, effective July 1, 2015.)

14.04. Pro se filings by inmates.

Any document under these rules which is filed pro se by an inmate who is confined in a penal institution and who is a party in either a civil or criminal case is timely filed if that document is deposited in the institution's internal mail system on or before the last day allowed for filing by these rules or by court order. If an institution has a system designed for legal mail, the inmate must use that system to receive the benefit of this rule. Timely filing shall be shown by a written certification appended to the document that the document was so filed or the appearance on the inmate mailing of a stamp indicating the date of its receipt by the institution's mail system.

(Added July 26, 2006, effective December 1, 2006.)

14.05. Pro se filings by criminal appellant represented by counsel.

In any appeal where a criminal appellant is represented by counsel, the appellant may not file any pro se brief, motion, or other pleading, with the following two exceptions: the appellant may file a pro se motion to terminate counsel's representation in the appeal and/or the appellant may also file a motion for leave to consider a pro se supplemental brief, i.e., a brief in addition to the one filed by counsel. The motion for leave to file shall be accompanied by the proposed pro se supplemental brief and shall be contemporaneously served on appellant's counsel of record and the State of

Wyoming. If a pro se brief is presented for filing without a motion for leave to file the same, the clerk of court shall acknowledge receipt, retain the brief, and notify appellant, appellant's counsel of record, and the State of Wyoming that the brief will not be filed or considered unless (1) appellant files the required motion for leave to file and (2) the Court grants the motion for leave to file.

(Added April 6, 2015, effective July 1, 2015.)

Rule 15. Petition for reinstatement.

(a) A petition for reinstatement of a case in the appellate court, after dismissal, shall be by petition to the appellate court, signed by counsel, stating the reasons, and supported by a showing, in writing, as may be essential. The petition shall be filed within 15 days after the order of dismissal has been entered and shall contain the points and authorities upon which petitioner relies. Rule 1.01 applies. A copy of such petition shall also be served on the counsel for opposing party.

(b) Counsel for opposing party shall have 15 days after such service within which to file with the court any objections to the petition, covering the points and authorities upon which the opposing party relies. The opposing party shall also serve upon counsel for the petitioner a copy of the objections.

(c) There shall be no oral argument on the petition and the objections, unless requested by the court. If the appeal is reinstated, the court will establish a new briefing schedule. If reinstatement of the appeal is denied, the case shall be closed.

(Amended July 26, 2006, effective December 1, 2006; amended April 6, 2015, effective July 1, 2015.)

Rule 16. Motions.

(a) Motions submitted to an appellate court shall be filed with the clerk and served in accordance with Wyo. R. Civ. P. 5.

(b) A motion directed to a subject matter which may substantially affect the disposition of a case shall, at the time of filing, be supported by a memorandum of points and authorities. The motion and memorandum may be combined and filed as one document. Rule 1.01 applies. Upon filing, such motion and memorandum shall be served upon the adverse party or the attorney of record who, within 15 days after service, may file and serve a similar memorandum. The court may resolve a motion without oral argument, or may order a hearing. All motions not previously determined shall be heard or submitted at the time regularly assigned for the hearing of the case. All motions shall be in the same form as described in Rule 7.05(b). Each motion filed must be accompanied by a proposed order.

(Amended May 4, 2001, effective September 1, 2001; amended July 26, 2006, effective December 1, 2006.)

Rule 17. Substitution of parties.

17.01. Death of a party.

(a) If a party dies after a notice of appeal is filed, or while a proceeding is otherwise pending in the appellate court, the personal representative of the deceased party may be substituted as a party on motion filed by the representative or by any party with the clerk of the appellate court. The motion of a party shall be served upon the representative in accordance with the provisions of Rule 14. If the deceased party has no representative, any party may notify the appellate court of the death on the record and proceedings shall then be had as the appellate court may direct. If a party against whom an appeal may be taken dies after entry of a judgment or order in the trial court

but before a notice of appeal is filed, an appellant may proceed as if death had not occurred.

(b) After the notice of appeal is filed substitution shall be effected in the appellate court in accordance with this rule. If a party entitled to appeal shall die before filing a notice of appeal, the notice of appeal may be filed by a personal representative, or, if the party has no personal representative, by the attorney of record within the time prescribed by these rules. After the notice of appeal is filed substitution shall be effected in the appellate court in accordance with this rule.

(c) In appeals of criminal convictions, an appeal shall be dismissed if the convicted person dies.

(Amended April 6, 2015, effective July 1, 2015.)

17.02. Substitution for other causes; incompetency.

If substitution of a party in the appellate court is necessary because of incompetency or for any reason other than death, substitution shall be effected in accordance with the procedure prescribed in Rule 17.01.

17.03. Public officers; death or separation from office.

(a) When a public officer is a party to an appeal or other proceeding in the appellate court in an official capacity and during its pendency dies, resigns or otherwise ceases to hold office, the action does not abate and the successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

(b) When a public officer is a party to an appeal or other proceeding in an official capacity the public officer may be described as a party by the official title rather than by name; but the court may require the name to be added.

(Amended April 6, 2015, effective July 1, 2015.)

Rule 18. Voluntary dismissal.

If the parties to an appeal or other proceeding file with the clerk of the appellate court an agreement that the proceeding be dismissed, specifying the terms as to payment of costs, the clerk shall enter an order dismissing the case. An appeal may be dismissed on motion of appellant upon such terms as may be agreed upon by the parties or fixed by the appellate court. In a criminal case, a voluntary dismissal shall also be accompanied by a waiver of appeal signed by the appellant. No mandate shall issue.

(Amended April 6, 2015, effective July 1, 2015.)

Rule 19. Appearance, withdrawal or substitution of counsel.

19.01. Appearance; admission pro hac vice.

(a) Definitions.

(1) "Applicant" means a member of the bar of any state, district or territory of the United States applying for admission pro hac vice.

(2) "Local counsel" means an active member of the Wyoming State Bar.

(3) "Rule 8" refers to Rule 8 of the Rules Governing the Wyoming State Bar and the Authorized Practice of Law.

(b) Counsel or firms shown as participating in the filing of any motion, other pleading, or brief in the appellate court shall, unless otherwise indicated, be deemed to

have appeared in the cause. Counsel shall not include the name of, nor allow the signature of, any attorney not admitted pro hac vice by the appellate court on any motion, pleading or brief.

(c) Any attorney who is not an active member of the Wyoming State Bar must seek admission pro hac vice upon a motion made by local counsel in order to appear in any matter in a Wyoming appellate court. The applicant must also be a member in good standing of the bar of another jurisdiction. Admission pro hac vice in a trial court does not confer admission before an appellate court.

(d) Unless otherwise ordered, a motion to appear pro hac vice may be granted only if the applicant complies with Rule 8 and associates with local counsel. Unless excused by the court, local counsel must sign all papers filed, be present in court during all proceedings in connection with the case, and have full authority to act for and on behalf of the client(s) in all matters in connection with the case.

(e) Applicants consent to the exercise of disciplinary jurisdiction by the court over any alleged misconduct which occurs during the progress of the case in which the attorney so admitted participates.

(Amended May 4, 2001, effective September 1, 2001; amended October 28, 2004, effective March 1, 2005; amended April 6, 2015, effective July 1, 2015.)

19.02. Withdrawal.

No attorney or firm who has appeared in a cause on appeal may withdraw from it without written consent of the appellate court filed with the clerk. Such consent may be conditioned upon substitution of other counsel by written appearance or upon written statement submitted by the client acknowledging withdrawal of counsel and stating a desire to proceed pro se.

(Amended April 6, 2015, effective July 1, 2015.)

19.03. Notice of withdrawal or substitution.

Notice of withdrawal or substitution of counsel shall be given to all parties either by withdrawing counsel or by substituted counsel and proof of service filed with the clerk. If an attorney ceases to act in a cause for a reason other than withdrawal with consent, upon motion of any party, the court may require the taking of such steps as it may deem advisable to insure that the cause will proceed.

(Amended April 6, 2015, effective July 1, 2015.)

Rule 20. Hearings of supreme court causes before a district court.

Whenever a cause over which the supreme court has original jurisdiction is pending, the court may direct any district judge of the state to conduct a hearing at any county seat in the state. The judge conducting hearing shall make findings of fact and conclusions of law and shall forward the entire proceedings and record properly certified, to the supreme court for final determination of the cause.

Rule 21. Motion based on ineffective assistance of trial counsel.

(a) Following the docketing of a direct criminal appeal, the appellant may file, in the trial court, a motion claiming ineffective assistance of trial counsel. The motion may be used to seek a new trial or to seek plea withdrawal. The motion shall be filed prior to the filing of the appellant's initial appellate brief. Upon a showing of extraordinary circumstances, the appellate court may grant leave to file a motion after appellant has filed his brief, but in no event shall a motion be filed after the case has been taken under advisement by the appellate court. A copy of the motion shall be served upon all trial counsel and the appellate court. The motion shall contain nonspeculative allegations of

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facts which, if true, could support a determination that counsel's representation was deficient and prejudiced the appellant. Any claims of ineffectiveness not made in the motion shall not be considered by the trial court unless the trial court determines that the interests of justice or judicial efficiency require the consideration of issues not specifically indicated in the motion. A response may be filed within 15 days after the motion is served.

(b) Upon the filing of the motion, briefing in the appeal shall be stayed until further notice from the appellate court.

(c) The trial court may grant or deny the motion without a remand from the appellate court. The trial court shall determine the motion within 90 days after the motion is filed, unless the determination is continued by written order of the trial court, which continuation may not exceed 90 days from the expiration of the initial 90 day period, unless the appellate court orders a further extension. If the trial court enters such a continuation order, the trial court shall provide a copy of the order to the appellate court. In no event shall a motion filed under this rule be deemed denied. The trial court shall enter an order determining the motion.

(d) The order determining the motion shall include findings of fact and conclusions of law concerning the claimed deficient performance by counsel and the claimed prejudice suffered by appellant as a result. When disposition of a motion filed under this rule is made without a hearing, the order shall include a statement of the reason(s) for determination without hearing. The clerk of the trial court shall provide the clerk of the appellate court with a copy of the trial court's order disposing of the motion.

(e) If trial court denies the motion, appellant may file a notice of appeal to challenge the trial court's order denying the motion. When such an appeal is docketed in the appellate court, that appeal shall be consolidated with the initial direct appeal. If the appellant does not appeal from the trial court's order denying the motion, the clerk of the appellate court shall notify the parties of a new briefing schedule for the initial appeal.

(Added April 6, 2015, effective July 1, 2015.)

Rules 22 through 26. [Reserved].

Rule 27. Rules superseded.

From and after the effective date of these rules, all other rules in conflict with these rules shall be of no further force or effect.

(Amended April 6, 2015, effective July 1, 2015.)

Rule 28. Title.

These rules shall be known as the Wyoming Rules of Appellate Procedure and may be cited as W.R.A.P.

(Amended April 6, 2015, effective July 1, 2015.)

Rule 29. Effective date.

The amendments to these rules shall become effective by order of the supreme court.

(Amended April 6, 2015, effective July 1, 2015.)

APPENDICES

These appendices are not a part of the W.R.A.P. and have not been adopted by the Wyoming Supreme Court as a part of the rules.

Appendix I is a timetable which summarizes the salient time limitations which are applicable to the appellate process. Again, the timetable should not be used as a

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Appx.

substitute for consulting the applicable rules, but it does provide a general outline and limited index to the most frequently applicable time limitations.

Appendix II consists of forms which may be used by practitioners in drafting pleadings appropriate to an appeal. However, they are not intended to be a substitute for careful drafting of appellate pleadings. No attempt is made to furnish a manual of forms.

The forms and the timetable are intended for illustration only and have not been adopted as official documents.

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WYOMING COURT RULES

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APPENDIX I

TIMETABLE FOR LAWYERS ON APPEAL

(Unofficial)

(w/in = within; N of A = Notice of Appeal;
 D. Ct. = District Court; S. Ct. = Supreme Court;
 Tr. Ct. = Trial Court; App. Ct. = Appellate Court)

Procedure	Filed in:	When	Served
Notice of Appeal (Wyo. R. App. P. 2.01, 2.02, 2.03)	Tr. Ct.	w/in 30 days after entry of judgment, or appealable or- der; or w/in 15 days there- after for excusable neglect; or w/in 15 days after original notice filed, for any other party; or w/in 30 days from entry of order made on motions 50(b), 52(b), and 59 W.R.C.P.; 29(c), 33, and 34 W.R. Cr. P; or w/in 30 days after above motions deemed denied	By appellant
Transcript Ordered (2.05)	From Reprtr.	Concurrently with filing N of A	Evidence of order filed or endorsed on N of A
Designate tran- script (2.05, 3.02)	Tr. Ct.	With N of A	Appellant
Bond for Costs (4.01)	Tr. Ct.	When N of A filed	
Supersedeas Bond (4.02)	Tr. Ct.	At or before filing N of A	
Docket Fee (2.09)	Tr. Ct.	With N of A	Appellant
Designate Record (3.05)	Tr. Ct.	With brief With response brief With reply brief	Appellant Appellee Appellant
Statement of Evidence when no transcript (3.03)	Tr. Ct.	Appellant prepares filed in Tr. Ct. w/in 35 days filing N of A w/in 15 days after	Serve on appellee Serve on appellant

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Procedure	Filed in:	When	Served
Transmitting Record	Tr. Ct. Clerk	service appellee may amend or object w/in 5 working days after reply brief filed or due	To clerk of App. Ct.
(3.05) Time for filing briefs (7.06)	App. Ct.	w/in 45 days after service of notice case docketed in App. Ct. w/in 45 days after service of appellant brief, appellee must file	Served by appellant, see 1.01 Served by appellee, see 1.01
Amicus Curiae Brief	App. Ct.	w/in 15 days after service of appellee brief, appellant may file reply brief Filed w/in 11 days after principal brief of party being supported, or 11 days after first brief of any party	See 1.01
(7.12) Settings (8.01) Expedited docket Objection to expedited docket	App. Ct. Any party	App. Ct. clerk will notify by mail w/in 15 days after entry of order assigning to expedited docket	All counsel
Oral argument Rehearing (9.08) Answer to application for rehearing (9.09) Mandate (9.10)	App. Ct. App. Ct. App. Ct. App. Ct.	Clerk will notify w/in 15 days after decision w/in 15 days after rehearing granted	All counsel Serve on opposing party, see 1.01 Serve applicant, see 1.01
Certification of questions of law (11) Briefs (11.06)	App. Ct.	w/in 15 days after decision, or after denial of rehearing w/in 45 days from notice to all parties of agreement to answer w/in 45 days from	To all counsel Appellant Opposing party

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Procedure	Filed in:	When	Served
		service of appellant brief	
Administrative agency review (12) Petition Filed (12.04)	D. Ct.	w/in 30 days after agency written no- tice of decision; or w/in 30 days there- after if D. Ct. ex- tends time period (Appellant orders transcript when petition filed)	
Record transmitted (12.07)	D. Ct.	w/in 60 days after service of petition or as allowed by D. Ct., agency shall transmit record to D. Ct. Notice of transmittal by agency, by personal letter to judge and notice to all par- ties.	
Motion for certification (12.09)	D. Ct.	w/in 30 days of fil- ing petition for review	Any party
Response to motion for certification (12.09)	D. Ct.	w/in 15 days from service of motion	Any party
Certification (12.09)	D. Ct.	Not later than 60 days after petition for review filed, but not sooner than 15 days after motion for certification filed	
Writ of Review (13) Petition (13.03)	App. Ct.	w/in 15 days of en- try of order from which review is sought	Any party
Response to petition Time Computation (14)	App. Ct.	w/in 15 days of fil- ing of petition	Any party
Reinstatement af- ter dismissal	App. Ct.	w/in 15 days after dismissal	

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Procedure Filed in: When Served

(15) w/in 15 days of service opponent may serve objections and briefs

Motions App. Ct. Copy of motion and memo of authorities shall be served on adverse party or attorney w/in 15 days of service, any response to motion

(Amended April 6, 2015, effective July 1, 2015.)

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WYOMING COURT RULES

APPENDIX II

FORMS

IN THE DISTRICT COURT IN AND FOR _____ COUNTY, WYOMING

A.B.,)	
)	
Petitioner,)	
)	
vs.	)	Civil Action No. _____
)	
C.D.,)	
)	
Respondent.)	
)	
)	

PETITION FOR REVIEW OF ADMINISTRATIVE ACTION

Petitioner, _____, by and through undersigned attorney and pursuant to Wyo. R. App. P. 12, hereby petitions the court for judicial review of the final administrative agency decision dated _____, (year). As grounds for this petition, Petitioner states as follows:

I. Jurisdiction and Venue.

A certified copy of the agency decision from which Petitioner seeks judicial review is attached to this petition as Appendix A.

II. Issues and Nature of Review Sought.

III. Relevant Facts.

IV. Conclusion.

WHEREFORE, Petitioner prays that the court grant its petition for judicial review in this matter.

Respectfully submitted,

Attorney for Petitioner
Address
Telephone number
FAX/Modem number

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RULES OF APPELLATE PROCEDURE

Appx. II

IN THE SUPREME COURT, STATE OF WYOMING

_____ TERM, A.D. (year) ____

)	
C.D.)	
)	
Appellant,)	
)	
)	
vs.	)	Case No. _____
)	
A.B.)	
)	
Appellee.)	
)	
)	

MOTION TO FILE BRIEF AS AMICUS CURIAE

_____, by and through undersigned attorney and pursuant to Wyo. R. App. P. 7.12 hereby moves the court for permission to file a brief as amicus curiae in the above-entitled matter. As grounds for this motion, _____states as follows:

[Insert concise explanation of reasons for motion to file amicus brief.]

WHEREFORE, _____, prays that the court enter its order allowing it to submit a brief in this appeal as amicus curiae.

DATED this ____ day of _____, (year).

Attorney for Movant
Address
Telephone number
FAX/Modem number

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Appx. II

WYOMING COURT RULES

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**IN THE DISTRICT COURT IN AND FOR _____ COUNTY,
WYOMING**

)	
A.B.,)	
)	
Plaintiff,)	
)	
)	
vs.)	Civil Action No. _____
)	
)	
C.D.,)	
)	
Defendant.)	
)	
)	

ORDER CERTIFYING QUESTION TO SUPREME COURT

The court, [based upon the stipulation of the parties/based upon its own motion], having reviewed the file and being otherwise fully advised in the premises finds that it would be in the interests of justice to certify the following question of law to the Wyoming Supreme Court:

[Question of law presented.]

The undisputed facts relevant to this question are as follows:

[Insert statement of undisputed relevant facts or reference attached stipulation of undisputed facts.]

The nature of the controversy and procedural context in which the question arose are as follows:

[Insert statement of nature of controversy and procedural history of question or reference attached stipulation of nature of controversy and procedural history of the question.]

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above-stated question of law is certified to the Wyoming Supreme Court for such further proceedings as the Supreme Court should order.

DATED this _____ day of _____, (year).

DISTRICT JUDGE

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RULES OF APPELLATE PROCEDURE

Appx. II

IN THE SUPREME COURT, STATE OF WYOMING

_____ TERM, A.D. (year)

)	
C.D.)	
)	
Appellant,)	
)	
vs.	)	Case No. _____
)	
A.B.)	
)	
Appellee.)	
)	

MOTION TO DISMISS APPEAL

Appellee, _____, by and through her undersigned attorney hereby moves this court to dismiss the above-entitled appeal based on the following grounds:

[State grounds for dismissal here and/or in accompanying memorandum.]

WHEREFORE, Appellee prays that the court dismiss this appeal and grant Appellee such other and further relief as it deems just and equitable.

Respectfully submitted,

Attorney for Appellee
Address
Telephone number
FAX/Modem number

IN THE SUPREME COURT, STATE OF WYOMING

_____ TERM, A.D. (year)

)	
C.D.)	
)	
Appellant,)	
)	
)	
vs.	)	Case No. _____
)	
)	
A.B.)	
)	
Appellee.)	
)	

MOTION FOR EXTENSION OF TIME TO FILE BRIEF

_____, by and through undersigned attorney hereby moves the court
(Appellant/Appellee)
for an extension of time in which to file its brief in the above-entitled matter through
and including the _____ day of _____, (year). As grounds for this motion,
_____, states as follows:
(Appellant/Appellee)

[State explanation of good cause for extension here.]

WHEREFORE, _____ prays that the court grant this request for an extension.

Respectfully submitted,

Attorney for Appellee
Address
Telephone number
FAX/Modem number

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RULES OF APPELLATE PROCEDURE

Appx. II

IN THE SUPREME COURT, STATE OF WYOMING

_____ TERM, A.D. (year)

)	
C.D.)	
)	
Appellant,)	
)	
vs.	)	Case No. _____
)	
A.B.)	
)	
Appellee.)	
)	

ORDER GRANTING EXTENSION OF TIME TO FILE BRIEF

The court, having considered the motion of _____ for an extension (Appellant/Appellee) of time in which to file a brief in this matter and having reviewed the file and being otherwise fully advised in the premises determines that good cause exists to grant the requested extension.

IT IS THEREFORE ORDERED that _____ shall have through (Appellant/Appellee) the ____ day of _____, (year) to file and serve a brief in this matter.

For the Court:

Justice

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Appx. II

WYOMING COURT RULES

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IN THE DISTRICT COURT IN AND FOR _____ COUNTY,
WYOMING

)	
A.B.,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. _____
)	
)	
C.D.,)	
)	
Defendant)	
)	
)	

NOTICE OF APPEAL

TO THE CLERK OF THE ABOVE CAPTIONED DISTRICT COURT:

NOTICE IS HEREBY GIVEN that _____, appeals the _____
(Appellant)

(description of judgment/order from which appeal is taken)

entered in the above-entitled matter on _____, (year), to the Supreme Court of the State of Wyoming. A copy of said Order is attached to this notice as Exhibit A.

Appellant further hereby certifies that all relevant portions of the transcript of evidence deemed necessary for this appeal have been ordered and proper arrangements for payment of the transcript have been made.

DATED this _____ day of _____, (year).

Respectfully submitted,

By: _____
Attorney for Appellant
Address
Telephone number

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RULES OF APPELLATE PROCEDURE

Appx. II

IN THE SUPREME COURT, STATE OF WYOMING

_____ TERM, A.D. (year) ____

)	
C.D.)	
)	
Appellant,)	
)	
)	
vs.	)	Case No. _____
)	
)	
A.B.)	
)	
Appellee.)	

PETITION FOR REHEARING

_____ by and through undersigned attorney, petitions the court for a (Appellant/Appellee) rehearing of the court's decision in the above-entitled matter. As grounds for this petition, _____ states as follows: (Appellant/Appellee)

[Insert concise explanations of legal grounds for rehearing here or in accompanying memorandum of law.]

WHEREFORE, Petitioner prays that the court grant a rehearing in this matter.

Respectfully submitted,

Attorney for Petitioner
Address
Telephone number
FAX/Modem number

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Appx. II

WYOMING COURT RULES

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IN THE SUPREME COURT, STATE OF WYOMING

_____ TERM, A.D. (year) _____

C.D.)	
)	
Appellant,)	
)	
)	
vs.)	Case No. _____
)	
)	
A.B.)	
)	
Appellee.)	
)	

STIPULATION AND MOTION FOR VOLUNTARY DISMISSAL

The parties to the above-entitled appeal, hereby agree and stipulate that this appeal should be dismissed. [Specific terms as to payment of costs, etc.]

WHEREFORE, the parties to the above-entitled appeal hereby move the court to enter its order voluntarily dismissing this proceeding pursuant to the parties' stipulation.

DATED this _____ day of _____, (year).

Appellant's Attorney
Address
Telephone number
FAX/Modem number

Appellee's Attorney
Address
Telephone number
FAX/Modem number

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RULES OF APPELLATE PROCEDURE

Appx. II

IN THE SUPREME COURT, STATE OF WYOMING

_____ TERM, A.D. (year)

)	
C.D.)	
)	
Appellant,)	
)	
)	
vs.	)	Case No. _____
)	
A.B.)	
)	
)	
Appellee.)	

MOTION TO WITHDRAW AS COUNSEL

_____, attorney of record for the [Appellant/Appellee] or [Petitioner/Respondent] hereby moves the court for permission to withdraw from the above-entitled appeal. As grounds for this motion to withdraw, _____ states as follows:

[Grounds for withdrawal including identity of proposed replacement counsel and status of case.]

WHEREFORE, _____ prays that the court will grant this motion to withdraw.

Respectfully submitted,

Attorney
Address
Telephone number
FAX/Modem number

IN THE SUPREME COURT, STATE OF WYOMING

_____ TERM, A.D. (year)

)	
X.)	
)	
Petitioner,)	
)	
)	
vs.	)	Case No. _____
)	
)	
Y.)	
)	
Respondent.)	
)	

PETITION FOR WRIT OF REVIEW

Petitioner, _____, by and through undersigned attorney, petitions the court to enter a writ of review in this matter.

I. Nature of Review Desired and Relief Sought.

A certified copy of the order from which Petitioner seeks a writ of review is attached to this petition as Appendix A.

II. Relevant Facts.

III. Question(s) Presented.

IV. Applicable Principles of Law.

V. Reasons for Review.

_____ hereby certifies that this Petition is not interposed for purpose of delay.
(Petitioner's attorney)

WHEREFORE, Petitioner prays that the court grant it a writ of review in this matter and allow the case to proceed.

Respectfully submitted,

Attorney for Petitioner
Address
Telephone number
FAX/Modem number

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RULES OF APPELLATE PROCEDURE

Appx. II

IN THE SUPREME COURT, STATE OF WYOMING

_____ TERM, A.D. (year)

A B,)	
)	
Petitioner,)	
)	
v.	)	No. _____
)	
C D,)	
)	
Respondent.)	

ORDER GRANTING LEAVE TO PROCEED IN FORMA PAUPERIS

This matter having come before the court on the petitioner's Motion to Proceed in Forma Pauperis, and the court having reviewed the matter and finding that the petitioner qualifies as an indigent person; it is therefore

Ordered that the petitioner be allowed to proceed in forma pauperis, and this case may be filed without prepayment of filing fees.

Dated this _____ day of _____, (year)

BY THE COURT:

CHIEF JUSTICE

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WYOMING COURT RULES

APPENDIX III

APPELLATE RULES TRANSLATION TABLE

APPELLATE RULES TRANSLATION TABLE

Former Rule (Prior to 1992 Revision)	Present Rule
Rule 1	Rule 1
Rule 1.01	Rule 1.02
Rule 1.02	Rule 1.03
Rule 1.03	Rule 1.04
Rule 1.04	Rule 1.05
Rule 1.05	Rule 1.06
Rule 1.06	None
Rule 2	Rule 2
Rule 2.01	Rule 2.07
Rule 2.02	Rules 2.01 through 2.05
Rule 2.03	None (see note under present Rule 2.03)
Rule 2.04	None (see note under present Rule 2.04)
Rule 2.05	Rule 2.08
Rule 2.06	Rule 4.01
Rule 2.07	Rule 4.02
Rule 2.08	Rule 4.03
Rule 2.09	Rule 4.04
Rule 2.10	Rule 4.05
Rule 2.11	Rule 5.01
Rule 3	Rule 6
Rule 3.01	Rule 6.01

Rule 3.02	Rule 2.06
Rule 4	Rule 3
Rule 4.01	Rule 3.01
Rule 4.02	Rule 3.02
Rule 4.03	Rule 3.03
Rule 4.04	Rule 3.04
Rule 4.05	Rule 3.05
Rule 4.06	Rule 3.06
Rule 4.07	Rule 3.07
Rule 4.08	Rule 3.08
Rule 4.09	Rule 3.09
Rule 5	Rule 7
Rule 5.01	Rule 7.01
Rule 5.02	Rule 7.02
Rule 5.03	Rule 7.03
Rule 5.04	Rule 7.04
Rule 5.05	Rule 7.05
Rule 5.06	Rule 7.06
Rule 5.07	Rule 7.07
Rule 5.08	Rule 7.08
Rule 5.09	Rule 7.09
Rule 5.10	Rule 7.10
Rule 5.11	Rule 7.11

Rule 6	Rule 8
Rule 6.01	Rule 8.01
Rule 6.02	Rule 8.02
Rule 7	Rule 9
Rule 7.01	Rule 9.01
Rule 7.02	Rule 9.02
Rule 7.03	Rule 9.03
Rule 7.04	Rule 9.04
Rule 7.05	Rule 9.05
Rule 7.06	Rule 9.06
Rule 8	Rule 9
Rule 8.01	Rule 9.07
Rule 8.02	Rule 9.08
Rule 8.03	Rule 9.09
Rule 9	Rule 9, Rule 9.10
Rule 10	Rule 10
Rule 10.01	Rule 10.01
Rule 10.02	Rule 10.02
Rule 10.03	Rule 10.03
Rule 10.04	Rule 10.04
Rule 10.05	Rule 10.05
Rule 10.06	Rule 10.06
Rule 11	Rule 11

Rule 11.01	Rule 11.01
Rule 11.02	Rule 11.02
Rule 11.03	Rule 11.03
Rule 11.04	Rule 11.04
Rule 11.05	Rule 11.05
Rule 11.06	Rule 11.06
Rule 11.07	Rule 11.07
Rule 12	Rule 12
Rule 12.01	Rule 12.01
Rule 12.02	Rule 12.02
Rule 12.03	Rule 12.03
Rule 12.04	Rule 12.04
Rule 12.05	Rule 12.05
Rule 12.06	Rule 12.06
Rule 12.07	Rule 12.07
Rule 12.08	Rule 12.08
Rule 12.09	Rule 12.09
Rule 12.10	Rule 12.10
Rule 12.11	Rule 12.11
Rule 12.12	Rule 12.12
Rule 13	Rule 13
Rule 13.01	None
Rule 13.02	Rule 13.04

Appx. III

WYOMING COURT RULES

Rule 13.03	Rule 13.08
Rule 13.04	Rule 13.09
Rule 13.05	None
Rule 14	Rule 14
Rule 14.01	Rule 14.01
Rule 14.02	Rule 14.02
Rule 14.03	Rule 14.03
Rule 15	Rule 15
Rule 16	Rule 16
Rule 17	Rule 17
Rule 17.01	Rule 17.01
Rule 17.02	Rule 17.02
Rule 17.03	Rule 17.03
Rule 18	Rule 18
Rule 19.01	Rule 19.01
Rule 19.02	Rule 19.02
Rule 19.03	Rule 19.03
Rule 20	Rule 20
Rules 21 through 26	Rules 21 through 26
Rule 27	Rule 27
Rule 28	Rule 28
Rule 29	Rule 29

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RULES OF APPELLATE PROCEDURE

Appx. III

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