



## E-Filing: An Update

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Several years ago, Jake Brooks and I were asked to write an article on advances in technology in the practice of law. Jake wrote the article and my sole contribution was the title of the article, “Do You Miss the Fax Machine? Changes in Legal Technology Through the Generations.”<sup>1</sup> While I still miss the fax machine, I cannot help but smile when I think of the changes in technology at our firm since I joined Hirst Applegate, LLP, in 2004. When I started practicing, we rarely emailed materials. Scanning documents to PDF was relatively new technology. If you were in a rush to deliver something, you faxed it. The Federal Court had just started e-filing, but most attorneys still paper filed. I literally walked up to the courthouse and handed my first federal filing to the Clerk of Court. It has now been years since I have been to the USDC Clerk’s office. In 2004, our firm had two laptops. If you needed to take one on the road, you had to check it out. Now, all of our attorneys have laptops and, as a result of COVID, all the paralegals and staff have them too. A lot has changed in the last 16 years.

One of the most frequent questions I have heard during my time serving the Wyoming State Bar is the status of e-filing in Wyoming courts. The short answer is—it’s on its way. This refrain is a little like “the check is in the mail” and unfortunately, it will not be here as soon as you, I, the courts, or our clients want it to be. It is a process.

Please know it is a priority to the Wyoming Judicial Branch and the Wyoming State Bar. We just need to do it right. That takes time.

The Supreme Court currently uses a case management system called C-Track, which was first implemented in 2008 and continues to function as the Court’s case management system. However, that system is close to reaching its end-of-life and will need to be upgraded or replaced in the next few years.

With respect to state district courts, there are two important components—a case management system and an e-filing system. Over the years, the state’s district courts have used various case management systems with various levels of success, improving access for court staff and judges. Currently, all of the state district courts are using a case management system called WyUser, which has proved useful in ensuring that all of the clerks of district court are utilizing the same system and in providing increased access to judges across the state. However, to accommodate e-filing, the case management system in the state district courts must be transitioned to a more robust and stable foundation. To that end, the Supreme Court is now under contract to provide a new case management system called FullCourt Enterprise to the state district courts. Pi-

loting of that system is expected to begin in 2021.

The Judicial Branch has long recognized the need for an e-filing system. In June 2019, the Wyoming Judicial Branch sent a Request for Quotes to potential vendors for an e-filing system for district courts and the newly

instituted Chancery Court and established an Electronic Filing Committee to evaluate the submissions. Four vendors submitted responses. Subsequently, that Committee, chaired by Chief Justice Davis and consisting of members of the bar, a District Court judge, judicial assistant, court reporter and clerks of the District Court, reviewed the various submissions narrowing it down to three vendors. Each of the vendors made a presentation to the Committee. The Committee members then had an opportunity to test the various e-filing platforms as part of a virtual “sandbox.” Ultimately, the Committee selected File & Serve Express as the vendor of choice.

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Is pleased to announce the following  
Associates in the firm:



**Daniel Chizek** practices in the firm's Billings, MT office. His practice focuses on employment and tort litigation. Daniel received his J.D. from Gonzaga University and joined Crowley Fleck in 2020.



**Lacey Fortin** practices in the Billings, MT office. Her practice focuses on commercial transactions and tax. Lacey received her J.D. from the University of Montana and joined Crowley Fleck in 2020.



**Madeleine Lewis** practices in the firm's Sheridan, WY office. Her practice focuses on commercial litigation and oil & gas law. Madeleine received her J.D. from the University of Wyoming and joined Crowley Fleck in 2020 after clerking with the U.S. District Court of Wyoming.



**Jacob Rebo** practices in the firm's Billings, MT office. His practice focuses on commercial and tort litigation. Prior to his legal career, Jacob served in the United States Army. He received his J.D. from the University of Montana and joined Crowley Fleck in 2020.



**Holly Suek** practices in the firm's Billings, MT office. Her practice primarily focuses on tax, estate planning, and commercial transactions. Holly received her J.D. from the University of Montana and joined Crowley Fleck in 2020.



**Constance Van Kley** practices in the firm's Missoula, MT office. Her practice focuses on commercial, tort, and appellate litigation. Constance received her J.D. from the University of Montana in 2017 and joined Crowley Fleck after clerking with the Ninth Circuit and District of Montana courts.

quires a solid foundation in the form of a reliable case management system. In addition, the statutory and rule restrictions on access to the many varied types of cases in the state's district courts requires thoughtful implementation. The Court Records Division of the Permanent Rules Advisory Committee, chaired by former State Senator Phil Nicholas, is responsible for implementing necessary changes to court rules and state statutes to accommodate e-filing and to clarify levels of access to court documents. This is an incredibly labor-intensive process and the Committee meets every six weeks to review specific statutes and identify the documents that will be available to the public and those that will have restricted access on the e-filing platform. For example, many family law and divorce pleadings will have some level of restriction on public access.

Through this process, the Wyoming Judicial Branch will roll out statewide case management and e-filing at district courts and the Chancery Court over the next four years. The case management system is on target to be piloted in the first district court in July 2021 with the piloting of the e-filing system in the first district court a year after that. The full rollout of the e-filing system will occur on the heels of the e-filing pilots. Full implementation of e-filing across the state will result in increased access to hearings, pleadings, and filings in all district courts and the Chancery Court.

We all owe a debt of gratitude to the tireless efforts of the E-Filing Committee and the Court Records Division for their time, dedication and commitment to making e-filing a reality. Finally, special thanks to Elisa Butler, General Counsel, Wyoming Supreme Court, for her dedicated work in coordinating both the case management and e-filing process and for her contributions to this column.

We have come a long way since the fax machine, and we will get to a uniform e-filing system in the state courts before you know it. **WL**

(Endnotes)

1 Brooks, Jake, *Do You Miss the Fax Machine? Changes in Legal Technology Through the Generations*, Wyoming Lawyer, June 2015.