

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2024

In the Matter of Amendments to)
Rules 903 and 908 of the Uniform)
Rules for the Chancery Court)

**ORDER AMENDING RULES 903 AND 908 OF THE
UNIFORM RULES FOR THE CHANCERY COURT**

The Permanent Rules Advisory Committee, Chancery Court Division, has recommended the Court amend Rules 903 and 908 of the Uniform Rules for the Chancery Court. This Court finds the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Rules 903 and 908 of the Uniform Rules for the Chancery Court, attached hereto, be and hereby are adopted by the Court to be effective November 4, 2024; and it is further

ORDERED that this order and the attached amendments be published in the advance sheets of the Pacific Reporter; the attached amendments be published in the Wyoming Court Rules Volume; and that this order and the attached amendments be published online at the Wyoming Judicial Branch’s website, <http://www.courts.state.wy.us>, on the “Rule Amendments” page. The amendments shall also be recorded in the journal of this Court.

DATED this 4th day of September, 2024.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice

Uniform Rules for the Chancery Court

Rule 903. Retrieval or Disposition of Exhibits.

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

(a) Custody of Standard Exhibits. The chancery court shall have safekeeping responsibilities for exhibits admitted at trial or hearing; however, at the conclusion of the trial or hearing, the court shall only retain standard exhibits. As used in this rule, standard exhibits include documents, photographs, and video or other electronically stored data on a disk or storage device—it does not include sensitive or bulky exhibits. The court shall not take custody or possession of physical evidence. Attorneys offering physical evidence at a trial or hearing must submit a photograph of the item to the court, which will retain the photograph as part of the record in lieu of the physical item. At the conclusion of the hearing or trial, physical evidence shall be returned to the custody of the party who offered the item, and they shall be responsible for transporting and safekeeping the exhibit until the time to appeal has expired or any appeal taken has concluded. The party in charge of the exhibit shall permit inspection of the exhibit by any party for purposes of preparing the record on appeal.

(b) Sensitive and Bulky Exhibits. At all times sensitive or bulky exhibits such as money, drugs, and firearms shall remain in the custody of the party producing them. A signed receipt identifying the exhibits returned is to be filed in the case. The party to whom the exhibit is returned shall permit inspection of the exhibit by any party for purposes of preparing the record on appeal and shall be responsible for transporting and safekeeping the exhibit until the time to appeal has expired or any appeal taken has concluded.

(c) Return of Standard Exhibits. Unless otherwise ordered, at the conclusion of the trial or hearing, standard exhibits in the custody of the court shall be retained until the time to appeal has expired or any appeal taken has concluded. Standard exhibits shall be returned to the party who introduced them into evidence. A signed receipt identifying the exhibits returned and/or destroyed is to be filed in the case. If the party fails to retrieve the exhibits within sixty (60) days after the time for appeal has expired, the court shall destroy or otherwise dispose of exhibit(s).

Rule 908. Rules for court reporters; retention of stenographic notes; certification and continuing education of official court reporter; equipment and supplies; payment of fees.

(I) Court Reporter notes. ~~Stenographic notes.~~

~~(a) All Official Court Reporters shall maintain or cause to be maintained a log of all stenographic notes of any chancery court proceeding that is reported by them. This log shall list the name of the case, date of the proceeding, and an assigned reference number. If both paper notes and electronic notes are made at the time of the proceeding, then both shall be reflected on the log.~~

(a) All Official Court Reporters shall maintain or cause to be maintained a log of all electronic notes of any Chancery Court proceeding that is reported by them. This log shall list the name of the case, date of the proceeding, and an assigned reference number.

(1) All notes, paper and/or electronic, as well as the log shall be maintained in the offices of the Chancery Court, in a location known to the Chancery Court Judge.

(2) All notes, ~~paper and/or electronic~~, shall be considered the property of the Chancery Court.

(b) All Official Court Reporters who perform their official duties with the use of an electronic writing device shall maintain a current copy of their "Personal Dictionary" in electronic format in the offices of the Chancery Court, in a location known to the Chancery Court Judge, and such electronic copy of the "Personal Dictionary" shall be considered the property of the Chancery Court.

(c) The Chancery Court shall create an ~~individual~~ "emergency" contingency plan regarding the production of transcripts that shall be implemented upon the death or incapacitation of the Official Court Reporter. Such plan shall include, but need not be limited to:

(1) The location of the Official Court Reporter's Case Log.

(2) The location of the disks (or other storage device) of the reporter's electronic notes.

(3) The location of the hardware/software used by the reporter to produce transcripts, including the name of the software and phone number of the software vendor.

(4) A list naming at least two individuals who are capable of reading the reporter's notes, if available.

~~(d) In addition to the foregoing, the Chancery Court Judge may require his/her Official Court Reporter to take further precautions to protect court transcripts.~~

(d) Court reporters shall use a uniform backup system for electronic notes, audio recordings of proceedings, dictionary, and emergency "contingency" plan as recommended by the Wyoming Professional Court Reporter's Association, and shall ensure and certify that all files are backed up monthly. In addition to the foregoing, the Chancery Court Judge may require his/her Official Court Reporter to take further precautions to protect court transcripts.

(e) All court transcripts are the work-product of the Official Court Reporter. Arrangements shall be made through the Official Court Reporter regarding purchase of any and all transcripts, even though the original is contained in a court file.

(f) Unless otherwise provided for by statute, court reporters shall follow the federal maximum per page transcript rates for expedited transcripts.

(II) *Certification and continuing education of official court reporter.*

(a) All persons performing the duties of Official Court Reporter shall be certified. The reporter may obtain Wyoming certification by:

(1) Passing the Registered Professional Reporter examination administered by the National Court Reporters Association; or

~~(2) Having graduated from an accredited court reporting school and passing a five minute, two voice dictation test at 225 words per min at 95% accuracy (65 errors). Such test will be taken from a National Court Reporters' Examinations Tape and administered by a committee of no less than two persons appointed by the Chancery Court Judge. (This tape is to be held by a designated member of the Wyoming Professional Court Reporters Association.)~~

(2) Passing the United States Court Reporter Association examination; or

(3) Passing a certification test from any other certifying state in which the requirements for certification meet the standards outlined in (a)(2) above are equivalent to the Registered Professional Reporter examination; or

(4) Having certification from the National Verbatim Reporters Association; or

(5) Serving in the capacity as a full-time Official Court Reporter in a Wyoming district

court ~~for a minimum of one year immediately prior to the adoption of this rule.~~

(b) Any noncertified reporter hired hereafter shall be given two (2) years from the date of hire in which to obtain certification per the requirements of (a)(1), (2), ~~or~~ (3), or (4) of this Rule.

(c) All Official Court Reporters shall be required hereafter to earn three (3) continuing education units during each consecutive three (3) year period as per the National Court Reporters Association. (The record of continuing education units are to be held by ~~a designated member of the Wyoming Professional Court Reporters Association~~ the Wyoming Supreme Court.)

(III) *Equipment and supplies.*

(a) All Official Court Reporters shall provide the equipment necessary to report and create transcripts of Chancery Ceourt proceedings. This equipment may include, but need not be limited to, voice writing and stenographic writing machines, computers for transcription, and printers.

(b) All Official Court Reporters shall provide the software necessary for the production of transcripts.

(c) The State shall provide for the Official Court Reporter's use of those other items necessary to report and create transcripts of Chancery Ceourt proceedings. These items may include, but need not be limited to, stenograph paper, printer paper and toner.

(IV) *Payment of fees; multi-defendant proceedings.*

(a) All Official Court Reporters shall submit transcript invoices on a standard form. The invoice form shall identify the title and number of the cause for which the transcript was required to be furnished, the nature of the proceedings transcribed, and the fee approved therefore.

(b) If the Chancery Court conducts multi-defendant proceedings, the Court Reporter shall be compensated by the Chancery Court for one original transcript, and shall be compensated for copies of said transcript for each of the additional defendants' court files. If a court proceeding entails one defendant with multiple counts or cases, the Court Reporter shall be compensated by the Chancery Court for one original transcript, and shall be compensated for copies of said transcript for each of the defendant's additional court files. The rates for original transcripts and copies shall be as set forth in paragraph (c) below.

(c) The reporter may charge three dollars and eighty-five cents (\$3.85) per page of twenty-five (25) lines, for all transcripts, records and other papers required to be made and issued as the official reporter for hearings conducted after November 1, 2024. At no additional charge, the reporter shall include one (1) copy for the party ordering the original. The reporter may charge one dollar and twenty-five cents (\$1.25) per page for each additional copy, and may require payment in advance.
