

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2024

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

**ORDER AMENDING THE WYOMING RULES OF APPELLATE
PROCEDURE**

The Permanent Rules Advisory Committee, Appellate Division, has recommended that the Court amend the Wyoming Rules of Appellate Procedure. The Court finds the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to the Wyoming Rules of Appellate Procedure, attached hereto, be, and hereby are, adopted by the Court to be effective March 1, 2025; and it is further

ORDERED that this order and the amendments be published in the advance sheets of the Pacific Reporter; the amendments be published in the Wyoming Court Rules Volume; and that this order and the 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 thereafter be recorded in the journal of this Court.

DATED this 11th day of December, 2024.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice

Wyoming Rules of Appellate Procedure

Rule 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 sSupreme eCourt using C-Track Electronic Filing System (CTEF), and the electronic version shall be the officially filed document in the case. The current version of the sSupreme eCourt e-filing training, policies and log-in can be found at www.courts.state.wy.us/supreme-court/clerk-of-court-efile/efiling/.

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

(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 sSupreme eCourt; or

(3) A proposed order shall accompany all filings in the district court. No proposed order shall accompany sSupreme eCourt filings.

Rule 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 sSupreme eCourt as circumstances make appropriate. The term “trial court” refers to either a district court, the chancery court, a circuit court, or a municipal court.

Rule 1.03. Failure to Comply with Rules.

(b) Failure to comply with these rules may result in imposition of sanctions, including but not limited to:

(2) An appellant or cross appellant who fails to file the required designation of record in the trial court contemporaneously with filing the initial 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 See Rule 3.05. For Supreme Court general orders on sanctions, ~~see-see~~ www.courts.state.wy.us/WSC/Clerk.

Rule 1.04. Review by Supreme Court and District Court.

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

Rule 1.05. Appealable Order Defined.

(d) An order, including a conditional order, granting a new trial on the grounds stated in ~~Rule~~ W.R.C.P. 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:

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

Rule 1.07. Filing ~~and Service~~ of Documents by Email ~~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.~~

The Supreme Court prohibits filing of an original proceeding or other court documents by email. This may be waived by the Supreme Court under extraordinary circumstances or in death penalty cases with a scheduled execution date.

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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 W.R.C.P. 5, Wyo.R.Civ.P.~~, (or as provided in ~~Wyo. W.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~~ See Rule 1.03. In criminal cases appealed to the ~~s~~Supreme ~~e~~Court, the notice of appeal shall be served upon the office of public defender and the office of attorney general. In cases where a guardian *ad litem* has been appointed, the notice of appeal shall be served upon the guardian *ad litem*. In cases specified in Wyo. Stat. Ann. § 14-12-101(a), the notice of appeal shall be served upon the Wyoming Office of 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, provided the application for extension of time is filed 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 docket~~ docket fee for docketing the case in the appellate court or a motion for leave to proceed in forma pauperis. ~~See~~ See Rule 2.09(a). If the district court does not enter an order granting the application for extension within 14 days of filing of the application, the application shall be deemed denied. If the trial court grants the application for extension of time within the 14-day period, 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 or if the application is deemed denied, any ~~docketing~~ 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.

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Rule 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 a motion for judgment under ~~Rule W.R.C.P. 50(b), Wyo.R.Civ.P.~~; a motion to amend or make additional findings of fact under ~~Rule W.R.C.P. 52(b), Wyo.R.Civ.P.~~ or W.R.C.P.Ch.C. 52(b), 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 W.R.C.P. 59, Wyo.R.Civ.P.~~ or W.R.C.P.Ch.C. 59, or a motion for a new trial under ~~Rule W.R.C.P. 59, Wyo.R.Civ.P.~~ or W.R.C.P.Ch.C. 59.

Rule 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 W.R.Cr.P. 29(c), Wyo. R. Cr. P.;~~ a motion for a new trial made pursuant to ~~Rule W.R.Cr.P. 33, Wyo. R. Cr. P.;~~ or a motion in arrest of judgment made pursuant to ~~Rule W.R.Cr.P. 34, Wyo. R. Cr. P.~~

Rule 2.05. Certification of Transcript Request; Statement of Evidence, or Agreed Statement.

(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 shall prepare an affidavit, setting out the facts with the reporter's attempts to obtain payment. The reporter shall notify the sSupreme eCourt and the sSupreme eCourt may take any action it deems appropriate pursuant to Rule 1.03.

Rule 2.06. Time Allowed Court Reporter to File Transcript; Certification to Appellate Court and Parties that Transcript Has Been Filed in 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 sSupreme eCourt.

Rule 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 the docket fee 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 docket fee for filing an

appeal or other action in the sSupreme eCourt shall be set by order of the court and published in the 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.,~~ 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, the appellant must pay the docket fee to the clerk of the trial court within 30 days of the entry of the order denying the motion. ~~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 the docket fee is not paid within those 30 days, the appeal will not proceed further.

(e) The clerk of the trial court shall forward the appellate court's docket 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. In cases where the clerk of the trial court transmitted an Electronic Case Record to the clerk of the appellate court through Digital Solution for Appealed Records (DAPR), the clerk of the trial court may physically forward the docket fee to the clerk of the appellate court or make other arrangements for payment pursuant to Rule 2.09(g).

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

Rule 3.01. Composition of Record.

(a) The record shall consist of:

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

Rule 3.02. Transcript of Proceedings.

(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 sSupreme eCourt, 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 sSupreme eCourt 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 paper, single-sided, and a maximum of 25 lines per page, and no more than 10 characters per inch. Condensed transcripts are not allowed by the sSupreme eCourt. 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 Wyoming Rules Governing Access to Case Records. The transcript shall be certified by the clerk as a part of the trial court record.

Rule 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 has been numbered in accordance with Rule 3.05(h) and an index has been prepared. The index shall list the name of the filing, the date filed and the page-corresponding bates number(s). ~~Volume numbers should not be included.~~ The clerk of the trial court shall provide copies of the index to the clerk of the appellate court and to the parties;

(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~~ See Rule 1.03.

(f) After the appellee's brief has been filed, the clerk of the appellate court shall request that the clerk of the trial court transmit the unredacted designated record within seven working days.

(1) Paper Case Records. For cases with a Paper Case Record, ~~the~~ transmitted record shall be securely fastened, in an orderly manner, in one or more sturdy folders consisting of no more than 250 pages per folder, with pages numbered and with a cover page bearing the title of the case, followed by a complete index of the record.

(A) The transmitted record on appeal shall be organized as follows:

~~(1)~~ (i) Designated pleadings and any attachments to pleadings. Attachments, including those called "exhibits," shall not be removed or separated from the pleadings;

~~(2)~~ (ii) Transcripts, Statement of the Evidence or Agreed Statement and if appropriate, depositions. Individual volumes of transcripts may be combined in one or more folders;

~~(3)~~ (iii) Confidential file. Confidential documents, including Presentence Investigation Reports shall be in a separate folder(s);

~~(4)~~ (iv) Designated exhibits. -- 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 documents and exhibits of unusual bulk or weight.

~~(g)~~ (B) The clerk of the trial court shall append a certificate identifying the papers with reasonable definiteness;

~~(h)~~ (C) *Pagination.* -- Excluding transcripts and exhibits, each page of the record, and documents contained within a separate confidential file, shall bear a handwritten or bates number in the lower right-hand corner of the page. Agency records or lower court records that have already been bates numbered should not be renumbered. The record should not be renumbered for subsequent appeals. Numbering should be continuous from any prior appeal;

~~(i)~~ (D) 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.

(j) ~~(E)~~ If appellant/petitioner fails to designate portions of the record or designates the entire record in a civil appeal, the clerk of the trial court shall promptly notify the clerk of the appellate court.

(2) Electronic Case Records. For cases with an Electronic Case Record, the clerk of the trial court shall prepare, certify, and transmit the record through DAPR.

(A) Any exhibits the parties have designated as part of the appellate record that cannot be uploaded into the Electronic Case Record, and any items submitted for in camera review that were not uploaded into the Electronic Case Record, shall be physically transmitted to the clerk of the appellate court.

(B) When preparing the Electronic Case Record, the clerk will specifically designate in DAPR any documents that have been filed as confidential or under seal so that access to these documents may be restricted pursuant to the Rules Governing Access to Case Records. These documents will not be placed in a separate volume of the Electronic Case Record.

Rule 3.07. Return of Record to the Trial Court.

In those cases where a Paper Case Record was transmitted to the clerk of the appellate court, ~~After an appeal has been determined,~~ the transmitted record shall be returned to the custody of the trial court when the mandate issues or the appeal is dismissed.

Rule 3.09. Withdrawing Paper Case Records.

(a) In cases with a Paper Case Record, ~~E~~ither 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.

(c) Once the Paper Case Record has been transmitted to the appellate court, ~~T~~he 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.

Rule 4.05. Judgment Against Surety.

The provisions of ~~Rule W.R.C.P. 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 5.01. Stay of Execution and Relief Pending Appeal.

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

Rule 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 ~~fil~~ing docket 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.

(d) The ~~s~~Supreme ~~e~~Court shall have jurisdiction of appeals from interlocutory orders of a district court or the chancery court, and questions certified pursuant to Rules 11 or 12, and petitions pursuant to Rule 13.

Rule 7.01. Brief of Appellant.

(k) An appendix, which shall contain:

- (1) 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.

Rule 7.06. Time for Filing and Serving Briefs.

(e) Abbreviated schedule.

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

Rule 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 sSupreme eCourt. 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.

Rule 7.09. Pleadings in Original Cases.

(a) In all cases originally commenced in the sSupreme eCourt, 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 sSupreme eCourt. Any party against whom such relief is sought shall file such response and briefs as the court may direct.

Rule 8.01. Settings and Appearance.

(a) In the sSupreme eCourt there will be two disposition dockets:

(e) *Argument by videoconference in sSupreme eCourt.* Under exceptional circumstances, the Court, in its discretion, may allow oral argument by videoconferencing. Motions requesting that oral argument be conducted by videoconference must be filed no later than 20 days before the scheduled argument date unless inclement weather or other unforeseen circumstances arise after that deadline. Stipulated requests are preferred, though not determinative. The Court may allow a party to appear by videoconference without regard to the form of appearance by any other party. In all instances, the circumstances must be exceptional and the granting of such a request may be conditioned on the availability of, and counsel's ability to use, appropriate technology.

Rule 9.06. Abbreviated Opinions.

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

Rule 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.

Rule 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 sSupreme eCourt on certification, reserved questions, or by bill of exceptions of a district attorney unless otherwise provided by statute.

Rule 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.

Rule 11.01. Generally.

The sSupreme eCourt may answer questions of law certified to it by a federal court, the chancery 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.

Rule 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.

Rule 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. Ann. § 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.

Rule 12.03. Institution of Proceedings.

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

Rule 12.04. Time for Filing Petition; Cross-Petitions for Review; Ordering Transcript.

(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 W.R.C.P. 5, Wyo.R.Civ.P.~~

Rule 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 W.R.C.P. 65, Wyo. R. Civ. P.,~~ relating to injunctions shall apply.

Rule 12.06. Requirements of Petition.

(c) For petitions in contested cases, a list of all persons or agencies formally identified as parties, as defined in ~~W.S. Wyo. Stat. Ann. § 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. Wyo. Stat. Ann. § 16-3-114~~ to be considered as a party;

Rule 12.07. Record.

(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 ~~sSupreme eCourt~~ for compliance.

Rule 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 sSupreme eCourt. In determining whether a case is appropriate for certification, the district court shall consider whether the case involves:

(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:

(2) send the docket fee to the clerk of the sSupreme eCourt.

(d) The sSupreme eCourt, 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 sSupreme eCourt 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 sSupreme eCourt shall be as in civil cases pursuant to Rules 2.08, 4, 7, and 8.

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

Rule 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 sSupreme eCourt.

(b) If the final judgment of the district court is appealed to the sSupreme eCourt, filing the record, including transcripts of relevant electronically recorded proceedings, briefs, and oral argument in the sSupreme eCourt shall be as in civil cases pursuant to Rules 1.01, 3, 7, and 8. Unless stipulated by both parties pursuant to W.R.A.P. 12.07(b), the complete agency record shall be transmitted to the sSupreme eCourt.

Rule 13.01. Generally.

(a) All applications to the sSupreme eCourt for interlocutory or extraordinary relief from orders of the chancery court and 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 sSupreme eCourt.

(d) Writs of habeas corpus, mandamus, prohibition, quo warranto or any prerogative writ shall be treated as a writ of review under these rules. In any petition made to the sSupreme eCourt 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, the petition shall set forth the circumstances why, in the opinion of the petitioner, the writ should issue originally from the sSupreme eCourt and not from such other court. The petition shall also name the real party or parties in interest, or whose interest would be directly affected by the proceedings.

Rule 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. In cases where preparation of the trial court record is necessary, petitioner(s) shall pay to the clerk of the trial court the docketing fee applicable to appeals from that court. Failure to pay the docketing fee within 30 days of entry of the order granting the petition may result in dismissal of the case. 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.

14.

SERVICE OF PAPERS AND COMPUTATION OF TIME

Rule 14.01. Service; How Made.

(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.~~ W.R.C.P. 5. Service by mail is complete upon mailing.

Rule 20. Hearings of Supreme Court Causes Before a District Court.

Whenever a cause over which the sSupreme eCourt 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 sSupreme eCourt for final determination of the cause.

Rule 29. Effective Date.

The amendments to these rules shall become effective by order of the sSupreme eCourt.