

**Wyoming State Chancery Court
Electronic Filing Administrative Policies
and Procedures Manual**

**Version 1.0
September 21, 2021**

1. Introduction

The following policies and procedures govern the electronic filing and serving of documents in chancery court proceedings.

2. Definitions

- A. “Conventional filing” means submitting a filing to the clerk in paper or other tangible form.
- B. “Document” means answers, affidavits, attachments, briefs, complaints, declarations, exhibits, judgments, memoranda, motions, notices, papers, pleadings, petitions, orders, responses, exhibits and any other filing with or entry by the chancery court.
- C. “Electronically file” and “eFile” mean uploading a document directly from the registered user’s computer to the electronic filing system to file that document in the chancery court’s case file.
- D. “Electronically serve” and “eServe” mean uploading a document directly from the registered user’s computer to the electronic filing system to serve that document on parties in a chancery court case through the electronic filing system.
- E. “Electronic filing system” and “EFS” mean the web-based user interface system provided by the Wyoming Supreme Court for registered users to electronically submit documents and serve parties in chancery court matters.
- F. “Filer,” “registered user,” and “user” mean an individual who has registered with the EFS and obtained a unique username and password to eFile and eServe documents in chancery court matters via the EFS.
- G. “Notice of Filing” means a notice generated by the EFS that a document is filed with or entered by the chancery court.
- H. “Online inbox” means a registered user’s online inbox accessible via the EFS. Registered users will receive Notice of Filings through their online inboxes.
- I. “.pdf” means Portable Document Format, a proprietary file format developed by Adobe Systems, Inc.
- J. “Technical failure” means a malfunction of the EFS or chancery court hardware, software, or telecommunications facility that prevents a registered user from eFiling or eServing a document. It does not include failure of a registered user’s equipment, software, hardware, telecommunications facility, or internet service.

3. Use of EFS

A. Eligibility

The persons identified below may electronically file and serve documents once registered and trained.

- i.** Attorneys who are active members in good standing of the Wyoming State Bar, or who are admitted pro hac vice in an applicable matter.
- ii.** Eligible attorneys' paralegals or legal assistants under Rule 5.3 of Rules of Professional Conduct.
- iii.** Self-represented individuals who are not licensed attorneys.
- iv.** A magistrate or master appointed under the W.R.C.P.Ch.C.

B. Registration, Training, and Compliance

Any eligible person intending to electronically file or serve a document in a chancery court proceeding must do the following.

- i.** Complete training in use of the EFS and pass an eFiling proficiency exam. A link to a schedule of live training sessions, self-study training materials, and dedicated help resources is available at:
<https://www.fileandservexpress.com/wyoming-resources/>
- ii.** Register to use EFS. A link to online registration is available at:
<https://os.fileandservexpress.com/web/ui/welcomepage.aspxinsert>.
- iii.** Agree to be bound by the terms and conditions of the EFS user agreement.
- iv.** Comply with the policies and procedures contained in this manual.
- v.** Comply with the Rules Governing Redactions from Court Records and all other applicable filing rules.
- vi.** Maintain a current and functioning email address through which the filer agrees to accept electronic notification from the EFS.

C. Consent to eService and Notification

Registration permits filing and retrieval of documents and constitutes consent to receive electronic notifications and service. Counsel and self-represented parties who intend to participate in a chancery court case should promptly register as EFS users to ensure service of documents.

D. Use of Username and Password

Each eligible person who completes registration will be issued one login and password. A registered attorney is responsible for all documents filed under his or her unique login and password or by his or her paralegals or assistants. If a registered user believes

the security of a password has been compromised, the user must change the password immediately and notify the clerk.

4. eFiling of Documents

A. eFiling is Mandatory

Each filing must be electronic unless otherwise ordered by the chancery court upon exceptional cause shown. Examples of exceptional cause include that eFiling the document would violate state or federal law or that a tangible thing cannot be converted to .pdf and eFiled due to size. If the chancery court permits conventional filing, the filer must conventionally file the document, eFile notice of the conventional filing, and eServe all parties with such notice.

B. Format of eFiled Documents

Each eFiled document must satisfy the below requirements.

- i.** Each eFiled document must be filed in .pdf format, except that a proposed order must be filed in editable Microsoft Word format with a blank header that extends at least 2 inches from the top of the first page.
- ii.** Documents should be directly converted to a text-searchable .pdf rather than scanned if possible. An attachment or exhibit (not a motion, brief, memorandum, etc.) that is a scanned image of its original form, may be in standard .pdf format and need not be text searchable.
- iii.** To the extent practicable, each eFiled document must be formatted in accordance with all applicable rules governing formatting of paper documents. For example, before conversion to .pdf, each pleading must be 8 ½ " x 11" in its original form. And any attachments or appendices that are larger or smaller, should be reduced or enlarged to 8 ½ " x 11".
- iv.** The size of any eFiled document must not exceed 10 megabytes. A document that exceeds the size limit must be broken down and submitted as separate files that do not exceed 10 megabytes each and 50 megabytes per transaction. Separate files under this section must include in the "Note to Clerk" field for each submission a description that clearly identifies the part of the document that the file represents, for example, "Motion for Summary Judgment, part 1 of 2."
- v.** A document that is not an attachment or exhibit must not be embedded inside another .pdf. For instance, a precept for summons, a summons, and a complaint should not be combined and eFiled as one .pdf. Yet, a document that is an exhibit to a motion may be filed together with the motion as one combined .pdf.

- vi. All eFiled documents relating to a single pleading or document must be "electronically stapled" using the EFS's "main" and "supporting" functionality. In this way, multiple related documents, although filed separately, are logically connected, and are identified as a single transaction. An example of linking related documents is eFiling a motion as a main document and electronically stapling a proposed order as a supporting document.
- vii. Any eFiled document responding to a previously eFiled document must be linked to the previous filing using the EFS's "link document" feature. This feature connects a new filing to a related earlier filing, even though the documents are filed separately as part of different transactions. As an example, counsel for Plaintiff Steamboat, Inc. would link the new document "Plaintiff Steamboat Inc.'s Response to Defendant Cowboy Corporation's Motion for Summary Judgment" to the previously eFiled "Defendant Cowboy Corporation's Motion for Summary Judgment against Plaintiff Steamboat, Inc." The difference between the "electronically stapled" and "link document" features is that "electronically stapled" documents belong to a single transaction, but "linked documents" belong to separate transactions.
- viii. Filers must leave a blank 3-inch by 3-inch space at the top right-hand corner of the first page of each eFiled document for use by the EFS and clerk.
- ix. The electronic file name for each document eFiled must clearly identify its contents, including identifying the party or parties filing the document, the party or parties against whom relief is sought, and the relief sought—for example, "Defendant Cowboy Corporation's Motion for Summary Judgment against Plaintiff Steamboat, Inc."
- x. Filers must verify that all documents are legible before eFiling the documents.

C. Initiating Documents

Complaints or other initiating documents must be submitted with the docket number blank. The clerk will assign an appropriate docket number after the registered user has eFiled the action.

D. Diligence of Filers

Counsel and self-represented parties appearing before the chancery court must become familiar with and competent in using the EFS. Filers must exercise diligence to ensure that the description of the document entered during the eFiling process accurately and specifically describes the document being filed. Filers should pay

particular attention to the accuracy of the caption, docket number, parties, dates, and signatures.

E. Timing and Acceptance of an eFiling

A document will be considered filed at the time of electronic transmission to the EFS, unless the clerk rejects the filing as set forth below.

The clerk may reject an eFiled document only for the following reasons:

- i. The user eFiled information that should have been redacted or filed under seal.
- ii. The user eFiled the document in the wrong case.
- iii. The user eFiled the document under a “new case,” even though a current case exists.
- iv. The user eFiled a document with an incorrect docket number, case type, case category, filing code, or party name.
- v. The attorney or self-represented individual failed to sign the document.

If the clerk rejects a document for any of these reasons, the clerk will notify the filer and request resubmission within 24 hours of the request. If the filer fails to timely correct and resubmit the document, the document will be deemed to have not been filed. If the filer correctly and timely resubmits the document, it will be deemed filed on the original date and time that the filer first attempted to eFile the document.

F. Time of eFiling

A document will be deemed timely filed if eFiled before 5:00 p.m. Mountain Time on the due date, unless the chancery court specifies otherwise.

G. eFiling Fees

Filing fees will be billed through the EFS at rates approved by the Wyoming Supreme Court. When registering to use the EFS, participants must provide all information necessary to pay filing fees.

5. eService of Documents

A. eService is Mandatory

Every eFiled document must be eServed unless the chancery court orders otherwise or unless the document is an initial pleading subject to the requirements of W.R.C.P.Ch.C. 4.

B. Service is Complete when the EFS Delivers a Notice of Filing

When a user eFiles a document and selects parties to receive eService of the document, the EFS will generate and deliver a Notice of Filing to the online inboxes of all parties selected for eService. Issuance of the Notice of Filing constitutes service and additional paper service is unnecessary. Accordingly, parties should actively monitor their online inboxes accessible on the EFS to receive Notices of Filing.

The EFS will offer an “email notification” feature allowing a user to receive an email notification at his or her personal email addresses that a document has been eServed and is available for viewing in the user’s online inbox. The “email notification” feature does not constitute official service and is provided by the EFS solely as a convenience.

C. Certificate of Service is Still Required

The Notice of Filing does not replace the certificate of service required by the Rules of Civil Procedure for Chancery Court. A certificate of service may appear on or be appended to the eFiled document.

D. eService of Discovery Documents

Unless the chancery court orders otherwise, formal responses to discovery requests must be eServed through the EFS’s “serve only” function. This function eServes documents on parties without eFiling the documents with the chancery court. If responsive documents are incapable of eService through the EFS, they may be served using some other methodology agreed upon by the parties and approved by the chancery court.

6. Electronic Signatures

An eFiled document requiring a signature must include a conformed signature (a typed name preceded by the symbol “/s/.”)

A document executed by multiple parties must bear the conformed signature of each signatory. By filing a document with multiple electronic signatures, the counsel (or self-represented individual), who uses his or her username to eFile the document, or who causes his or her paralegal or legal assistant to eFile the document, certifies that each signatory has authorized the use of his or her signature

Electronic notarization may be used for eFiled documents so long as the electronic notarization satisfies Wyoming law and meets any rules promulgated by the Wyoming Secretary of State under Wyo. Stat. Ann. § 32-3-125.

7. Notice and Entry of Orders, Judgments, and Other Matters

The chancery court will enter all orders, judgments, notices, and other matters electronically through the EFS. Each matter entered by the court will bear an official eFiling stamp with an official date and time of entry and either a conformed signature or a digital image of a signature. The chancery court will provide notice of entered matters through Notice of Filings.

8. Technical Failure

If a document cannot be filed due to a technical failure, the chancery court may, upon satisfactory proof, permit the filing date of the document to relate back to the date the filer first attempted to file the document. And, if appropriate, the chancery court may adjust the schedule for responding to the documents or appearing at a hearing on the matter.

A filer who resubmits a document due to a technical failure must include in the “Note to Clerk” field the following text: “Resubmission of filing, initial filing unsuccessful due to technical failure, request filing date relate back to _____, date of original submission.” In the resubmission, the filer should include supporting exhibits substantiating the technical failure. This resubmission and request must be eFiled within one business day after the technical failure is resolved.

Registered users should direct technical and operational questions about the EFS and requests for documentation substantiating a technical failure to File & Serve Xpress at its toll-free hotline, 1-888-529-7587.

9. Protected Information

A. eFiling Redacted Documents

The filer must ensure that protected personal data identifiers are omitted or redacted from documents in compliance with the Rules Governing Redactions from Court Records and Rules Governing Public Access to Court Records.

When these rules require a party to file both a redacted and unredacted version of a document, the user should eFile:

- i. A redacted version designated as “public” in the EFS;
- ii. An unredacted version designated as “sealed” in the EFS; and
- iii. The State of Wyoming Confidential Information Form designated as “sealed” in the EFS.

The Confidential Information Form and unredacted version must be electronically stapled, filing the form as the main document and the unredacted version as the supporting document. Although a separate transaction, the redacted version should be linked to the form and unredacted document using the “link document” feature.

B. eFiling Documents Entirely under Seal

A user eFiling a document subject to the protections of Wyo. Stat. Ann. § 4-10-205, must designate the document as “sealed” in the EFS and need not file a motion to seal under Rule 8 of the Wyoming Rules Governing Access to Court Records.

A user wishing to eFile any other type of document entirely under seal, must eFile a motion to seal under Rule 8 of the Wyoming Rules Governing Access to Court Records unless an order specifies otherwise. This motion must be designated as

“public” in the EFS and any documents that are subject to a motion to seal will be designated as “sealed” in the EFS. The documents will remain protected from public access until and unless the chancery court rules against the motion.

C. Removal of Noncompliant Documents

If the clerk discovers that an eFiled document does not comply with the Rules Governing Redactions from Court Records, he or she will remove the document from the public docket and instruct the filer to refile the document within one business day. If the document is not correctly refiled within the required time, it will not be considered timely filed. If the document is correctly and timely refiled, it will be deemed filed on the original date and time that the filer first attempted to eFile the document.

10. Ex Parte Filings

A user intending to eFile a document ex parte when allowed by law must designate the document as “file only” and “in camera” in the EFS. These two designations will ensure that only the chancery court will receive the eFiled document.

11. Judicial Discretion to Remedy Errors

In circumstances where the interests of fairness and justice demand a departure from these policies and procedures, the chancery court judge may use his or her discretion to provide relief for eFiling and eService errors upon good cause shown.

12. Revisions to Manual

A. Changes

The chancery court may modify or amend this Electronic Filing Administrative Policies and Procedures Manual at any time without prior notice. The Manual will be posted on the chancery court’s website, <https://www.courts.state.wy.us/chancery-court>.

B. Record of Changes

Version	Date	Changes
1.0	09.21.2021	Released Version 1.0 of Manual