

IN THE SUPREME COURT, STATE OF WYOMING

APRIL TERM, A.D. 1997

*In the Matter of Amendments to  
Rules 5(e) and 43(a), Wyoming  
Rules of Civil Procedure* )  
)  
)

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

AUG - 7 1997

JUDY PACHECO, CLERK  
*Claudia Thompson*  
by DEPUTY

**ORDER AMENDING RULES 5(e) AND 46(a),  
WYOMING RULES OF CIVIL PROCEDURE**

*The Permanent Rules Advisory Committee, Civil Division, having submitted to the Court proposed amendments to Rules 5(e) and 46(a), Wyoming Rules of Civil Procedure and the Court having reviewed the proposed amendments and finding that the proposed amendments should be adopted; it is therefore,*

**ORDERED** that the amendments to Rules 5(e) and 46(a), Wyoming Rules of Civil Procedure, a true and correct copy of which is attached hereto, shall be, and they hereby are, adopted by the Court; and it is,

**FURTHER ORDERED** that the amended rules be published in the Wyoming Reporter and the advance sheets of the Pacific Reporter and shall become effective 60 days after publication in the advance sheets of the Pacific Reporter. They shall thereupon be spread at length upon the journal of this Court.

DATED this 5<sup>th</sup> day of August 1997.

FOR THE COURT:

*William A. Taylor*  
William A. Taylor  
Chief Justice

# WYOMING RULES OF CIVIL PROCEDURE

## Proposed amendments to Rules 5(e) and 43(a)

### Rule 5. Service and filing of pleadings and other papers.

(e) *Filing with the court defined.* -- The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with the judge, in which event the judge shall note thereon the filing date and forthwith transmit them to the office of the clerk. Papers may be filed, by ~~facsimile transmission~~ signed, or verified by electronic means if ~~facsimile~~ the necessary equipment is available to the clerk and prior telephonic approval has been obtained from the clerk's office. Any ~~document~~ paper filed by ~~facsimile transmission~~ electronic means must be followed by a signed or otherwise duly executed original, or copy of any electronic transmission other than ~~facsimile transmission~~, mailed within 24 hours of the ~~facsimile~~ electronic transmission. The clerk upon receiving the original or copy shall note its date of actual delivery, and shall maintain both the ~~facsimile or other electronic transmission~~ and the original or copy in the court file. A paper filed by electronic means in compliance with this rule constitutes a written paper for the purpose of applying these rules. The clerk shall not refuse to accept for filing any ~~instrument~~ paper presented for that purpose solely because ~~the instrument~~ it is not timely presented or in proper form as required by these rules.

### Rule 43. Evidence.

(a) *Form and admissibility.* -- In ~~all~~ every trials, the testimony of witnesses shall be taken ~~orally~~ in open court, unless ~~otherwise provided by these rules, by a statute, the Wyoming Rules of Evidence, or other rules adopted by the Supreme Court of Wyoming provide otherwise.~~ The court may, for good cause shown in compelling circumstances and upon appropriate safeguards, permit presentation of testimony in open court by contemporaneous transmission from a different location.