

**MINUTES OF THE JUDICIAL COUNCIL
OF THE TENTH CIRCUIT**

July 23, 2008

On this date, the Judicial Council approved changes to the following Local Rules of the U.S. District Court for the District of Wyoming, as submitted to the court on July 3, 2008 and July 21, 2008:

Civil Rules 5.1, 16.1, 26.1, 83.7.2, 83.12.2, and 83.12.3.

The effective date of the new rules remains July 1, 2008.

The Judicial Council

By:



Victoria M. Parks
Deputy Circuit Executive

for David Tighe
Circuit Executive and Secretary to the
Judicial Council of the Tenth Circuit

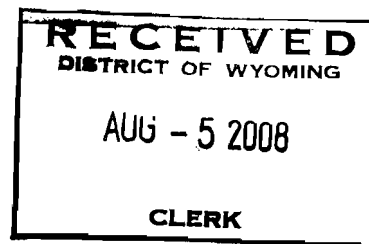
United States Courts for the Tenth Circuit
Office of the Circuit Executive
1823 Stout Street
Denver, Colorado 80257
(303) 844-2067

David Tighe
Circuit Executive
(303) 335-2829

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July 30, 2008

Maggie Botkins
Chief Deputy Clerk
US District Court, District of Wyoming
2120 Capitol Avenue, Room 2141
Cheyenne, WY 82001




Re: Approval of Changes to Local Rules

Maggie
Dear Ms. Botkins:

Attached is a copy of the Judicial Council's order approving the changes to the Local Rules for the District of Wyoming. Please let me know if you have any questions.

Sincerely,


Victoria M. Parks
Deputy Circuit Executive

cc: Honorable William F. Downes, Chief Judge
Stephan Harris, Clerk

VMP:kwl
Encl.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
JUL 18 2008

IN THE MATTER OF ADOPTION OF)
) ss
AMENDED LOCAL RULES OF COURT)

Stephan Harris, Clerk
Cheyenne

The matter of the adoption of amendments to the local rules for this Court having come on regularly to be heard and reviewed by the Tenth Circuit Judicial Council, and upon suggestion by the Judicial Council that Local Civil Rule 83.12.2(b) & (c) be further amended to reflect the change in actual language of the rule rather than the appendix , and the Court being fully advised in the premises; it is

HEREBY ORDERED that local civil rules 83.12.2(b) & (c) be amended in accordance with the copy attached hereto. It is

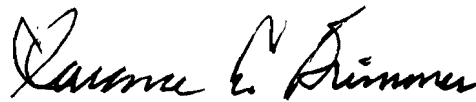
FURTHER ORDERED that the amended local rule as attached hereto, shall be adopted, and become effective as of the date of this order. It is

FURTHER ORDERED that the Clerk of Court shall cause notice of the attached amendments to the local rules be published to the Bar and public.

DATED this 18th day of July, 2008.




William F. Downes
Chief Judge



Clarence A. Brimmer
U S District Judge

Handwritten signature of Alan B. Johnson in black ink.

Alan B. Johnson
U S District Judge

Handwritten signature of William C. Beaman in black ink.

William C. Beaman
Chief, U S Magistrate Judge

Rule 83.12.2 ADMISSION TO PRACTICE

(a) General Admissions. Attorneys who are regularly admitted and licensed to practice before the Supreme Court of Wyoming may be admitted to practice in the United States District Court for the District of Wyoming upon motion made in open court by an attorney admitted to this Court. Said motion shall contain a satisfactory showing of the good moral character and the qualifications of the applicant, and the moving attorney shall vouch for him. Upon the granting of said motion for admission, the applicant shall take the oath, which shall be administered by the Court or the Clerk of Court. After signing the roll of attorneys in the Clerk of Court's office and paying the appropriate fee to the Clerk of Court, a certificate of admission shall be furnished to each admitted attorney.

(b) Admission *Pro Hac Vice*. All attorneys who have not been admitted to practice in the courts of the State of Wyoming must seek admission *pro hac vice* based upon a motion made by a member of the Bars of the State of Wyoming and of this Court and an affidavit of the attorney seeking *pro hac vice* admission in order to appear in any matter before this Court. A proposed order shall be submitted with the motion. **(See Appendix E for the required contents of the motion and affidavit.)**

Unless otherwise ordered by this Court, a motion to appear *pro hac vice* shall be granted only if the applicant associates with a currently licensed member of the Bars of the State of Wyoming and of this Court who shall participate in the preparation and trial of the case to the extent required by the Court. The applicant must also be a member in good standing of the bar of another state and the bar of another federal court in order to be eligible for *pro hac vice* admission in any matter before this Court.

An attorney who applies for admission *pro hac vice* consents to the exercise of disciplinary jurisdiction by this Court over any alleged misconduct which occurs during the progress of the case in which the attorney so admitted participates. Prior to the filing of any pleadings or other documents, there shall be filed in the Clerk of Court's office an entry of appearance by a currently licensed member of the Bar of the State of Wyoming with whom the applicant has become associated. The Wyoming member of the Bar shall move the applicant's admission at the commencement of the first hearing to be held before the Court. The Wyoming attorney shall sign the first pleading filed and shall continue in the case unless other resident counsel be substituted. The Wyoming attorney shall be present in Court during all proceedings in connection with the case, unless excused, and shall have full authority to act for and on behalf of the client in all matters including pretrial conferences, as well as trial or any other hearings. Any notice, pleading or other paper shall be served upon all counsel of record, including resident counsel, whenever possible, but it shall be sufficient for purposes of notice if service of any motion, pleading, order, notice or any other paper is served only upon Wyoming counsel, who shall assume responsibility for advising the non-resident associate of any such service. For good cause shown, the Court may direct the Clerk of Court to accept for filing a complaint signed only by a non-resident attorney, upon the condition that such non-resident attorney shall associate with resident counsel

within ten (10) days after the filing of the complaint.

(c) Motion to appear *pro hac vice*. Every motion to appear *pro hac vice* must contain the firm name (if any), office address, **email address of attorney entering an appearance**, telephone and facsimile number (if any) of the attorney, otherwise the attorney's name will not be added to the case docket. A proposed order shall be submitted with the motion.

(d) *Pro Se* Representation. Any party proceeding on his or her own behalf without an attorney shall be expected to read and be familiar with both the Local Rules of this Court and with the Federal Rules of Civil Procedure, the Rules of Bankruptcy Procedure, the Federal Rules of Evidence, or Federal Rules of Appellate Procedure, whichever may be appropriate in the case, and to proceed in accordance therewith. Copies of such Rules shall be available for review at the Office of the Clerk of Court.

(e) Government Attorneys. Any attorney representing the United States Government, or any agency thereof, and who has been admitted to practice in the highest court of any state, but who is not otherwise qualified under this Rule to practice in this Court, may appear and participate in a case in his official capacity, as hereinafter provided. If the Government representative is not a member of the Bar of this Court, the United States Attorney for this District or one of his assistants shall move the admission of the non-resident Government representative, shall sign all pleadings before their filing and shall be present in Court during all proceedings in connection with the case, unless excused by the Court. Said United States Attorney shall also be designated by the Government attorney for the purpose of receiving service of notices, and such service shall constitute service upon said Government attorney.

(f) Law Students. Any law student who has complied with the terms and conditions of Rule 12, Rules of the Supreme Court of Wyoming, providing for the organization and government of the Bar Association and attorneys at law of the State of Wyoming, shall be permitted to practice before this Court upon proof of compliance, and upon motion duly made pursuant to subsection (a) of this Rule. No such law student shall be permitted to practice unless accompanied by an attorney otherwise duly admitted to practice before this Court.

APPENDIX E

MOTION AND AFFIDAVIT FOR ADMISSION *PRO HAC VICE* PURSUANT TO U.S.D.C.L.R. 83.12.2(b)

All *pro hac vice* affidavits shall contain the following information:

- **Name, firm name, address, telephone number, email address of attorney seeking *pro hac vice* admission.**
- When and where admitted (each court/bar);
- List of all pending disciplinary proceedings and all past public sanctions of *pro hac vice* counsel;
- Affirmation by *pro hac vice* counsel that said counsel will comply with and be bound by the Local Rules of the United States District Court for the District of Wyoming;
- Acknowledgment by attorney seeking *pro hac vice* admission that local counsel is required to be fully prepared to represent the client at any time, in any capacity;
- Acknowledgment of *pro hac vice* counsel that said counsel submits to and is subject to disciplinary jurisdiction of the Court for any alleged misconduct arising in the course of preparation and representation in the proceedings.

All *pro hac vice* motions shall contain the following information:

- Local counsel shall represent that local counsel is a member in good standing of the Bar of the State of Wyoming and the Bar of this Court;
- A statement that local counsel shall vouch for the good moral character and veracity of the *pro hac vice* attorney;
- A statement that local counsel shall be fully prepared to represent the client at any time, in any capacity.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

JUN 26 2008

IN THE MATTER OF ADOPTION OF)
) ss
AMENDED LOCAL RULES OF COURT)

Stephan Harris, Clerk
Cheyenne

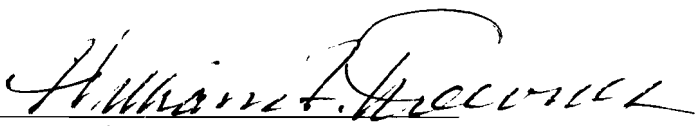
The matter of the adoption of amendments to the local rules for this Court having come on regularly to be heard, and a set of amended local rules having been considered, and the Court being fully advised in the premises; it is

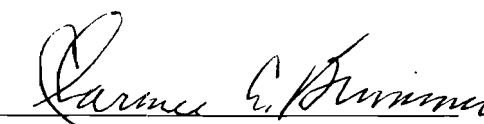
HEREBY ORDERED that Local Civil Rules 5.1 Filing by Electronic Transmission and Service by Electronic Transmission; 16.1 Correct clerical error, 26.1 Parties may agree to produce any or all documents electronically, 83.7.2 Require an index be filed with the Administrative Record, 83.12.2(b) Requiring email address of attorney seeking pro hac vice admission and 83.12.3(a) Requiring email address of an attorney entering an appearance in a civil case, be amended in accordance with the copy attached hereto. It is

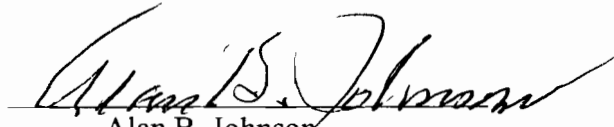
FURTHER ORDERED that the amended local rules as attached hereto, shall be adopted, and become effective on July 1, 2008. It is

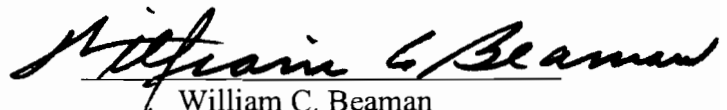
FURTHER ORDERED that the Clerk of Court shall cause notice of the attached amendments to the local rules be published to the Bar and public.

DATED this 26th day of June, 2008.


William F. Downes
Chief Judge


Clarence A. Brimmer
U S District Judge


Alan B. Johnson
U S District Judge


William C. Beaman
Chief, U S Magistrate Judge

United States District Court
District of Wyoming

Changes to Civil Local Rules

Rule 5.1 Filing with the Court

Civil Local Rule 5.1 should be amended to reflect that electronic filing is permitted in the District of Wyoming.

5.2 Filing by Electronic Transmission

- (a) **Electronic Filing Authorized.** A party may file a document by electronic transmission in accordance with guidelines established by the Court (see CM/ECF Procedures Manual for Wyoming at <http://www.wyd.uscourts.gov>) Filing by facsimile is not permitted . Unless otherwise ordered by the court, an electronic document is considered filed on the date of the electronic transfer, including weekends and holidays. A filing day is defined as 12:00:00 a.m. to 11:59:59 p.m. The time and date of actual filing are reflected in the Court's digital file stamp.
- (b) **Documents of Record.** A document filed electronically and stored in the Court's server is the official document of record. Affidavits and other documents requiring an original verified signature may be filed electronically. By electronically filing an affidavit or other verified document, the filing party or attorney certifies that the original signed paper will be kept and will be produced on request or at the direction of the Court.

5.3 Service by Electronic Transmission

- (a) **By the Court.** The Court or Clerk may serve and give notice by electronic transmission, in lieu of service and notice by mail, to any person who has a written request, on file with the Clerk, to receive service and notice by electronic transmission. The request remains effective in all subsequent litigation in this District involving the person who filed the request; however, any person may withdraw authorization for electronic filing by sending written notice to the Clerk.
- (b) **Between Parties.** In addition to means of service specified in Fed. R. Civ. P. 5(b), parties may agree to service between themselves by electronic transmission, including transmission through the Court's server.

Electronic service under subdivisions (a) and (b) is equivalent to service by mail in accordance with Fed. R. Civ. P. 5(b)(2), 5(E), 5(b)(3) and 77(d).

Rule 16.1

Correct (b)(8) to reflect correct cite to be Rule 26.1(g).

Rule 16.1 **PRETRIAL CONFERENCES**

(b)

(8) Counsel shall discuss a schedule for taking expert depositions. (See Local Rule 26.1(g)).

Rule 26.1 **Discovery**

Change Rule 26.1

(f) to (f)(1)

add:

(f)(2) Parties may agree to produce any or all documents electronically, rather than by other means.

Rule 83.7.2 Review of Action of Administrative Agencies, Board, Commission, and Officers (Including Social Security Appeals)

To require that an index be filed with the administrative record.

Change Civil Local Rule 83.7.2(c)

(c) Filing of the record. In review proceedings, the agency shall file the record with the clerk within sixty days of proper service of the petition or notice unless a different time is provided by statute, or as otherwise ordered by the court. The record shall be bates stamped and contain an index including date and description of the document(s).

Rule 83.12.2(b) Pro Hac Vice Admission

Civil Local Rule 83.12.2(b) should be amended requiring email address of attorney seeking pro hac vice admission.

- Name, firm name, address, telephone number, email address of attorney seeking pro hac vice admission.

Rule 83.12.3(a) Appearances and Withdrawals

Civil Local Rule 83.12.3(a) should be amended requiring email address of attorney entering an appearance in a civil case.

- (a) Appearances, Civil Case. Each and every attorney making an appearance in a civil case shall cause the Clerk of Court's records to clearly reflect the firm name (if any), office address, email address of attorney entering an appearance, telephone and facsimile number (if any) of the attorney, and the party for whom appearance is made, by filing a separate written appearance identifying the specific party(s) represented.