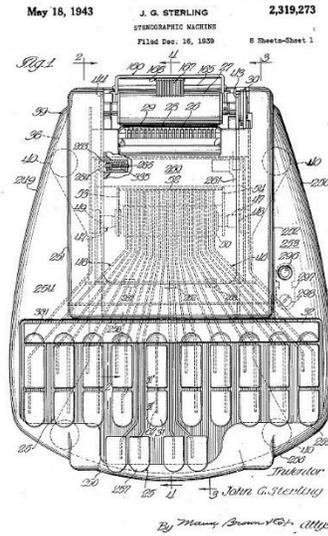


Suggested Best Practices

for



Wyoming Official Court Reporters



TABLE OF CONTENTS

FOREWORD	1
ACKNOWLEDGMENTS	5
SECTION 1	6
JOB DESCRIPTION/JOB DUTIES/CERTIFICATION REQUIREMENTS/BENEFITS AND COMPENSATION/TRAVEL REQUIREMENTS	6
SECTION 2	10
INFORMATION TECHNOLOGY	10
SECTION 3	11
EQUIPMENT/SUPPLIES PROVIDED; WHAT THE REPORTER MUST SUPPLY.....	11
SECTION 4	12
CONTINUING EDUCATION REQUIREMENTS	12
SECTION 5	13
PERFORMANCE BOND AND NOTARY PUBLIC REQUIREMENTS	13
SECTION 6	15
WHAT TO REPORT	15
SECTION 7	17
WHAT TO TRANSCRIBE	17
SECTION 8	18
CRIMINAL PROCEEDINGS.....	18
SECTION 9	20
JUVENILE PROCEEDINGS AND INVOLUNTARY HOSPITALIZATIONS	20
SECTION 10	24
CIVIL PROCEEDINGS	24
SECTION 11	25
TRANSCRIPTS FEES/PAGE RATES BILLING/ FEDERAL RATE GUIDELINES FOR EXCEPTIONS/DELIVERY TIMELINES	25
SECTION 12	27
TRANSCRIPT FORMAT GUIDELINES	27
SECTION 13	30
APPELLATE PROCEDURES	30
SECTION 14	32
EXHIBITS OFFERED, RECEIVED, OR DENIED DURING COURT PROCEEDINGS.....	32
SECTION 15	34
REDACTIONS	34
SECTION 16	36
E-FILING.....	36
SECTION 17	37
CONFIDENTIAL TRANSCRIPTS/SEALED RECORDS	37
SECTION 18	38
RECORDS RETENTION/BACKUP REQUIREMENTS/DAILY LOGS/RECORDKEEPING REQUIRED OF NOTES AND LOGS.....	38
SECTION 19	40
EMERGENCY CONTINGENCY PLAN.....	40
RULE 908 COMPLIANCE INFORMATION	41
SECTION 20	44
REPORTER ILLNESS, NEED FOR COVERAGE, HIRING SUBSTITUTES TO REPORT COURT PROCEEDINGS, OFFICIALSHIP VACANCY	44
SECTION 21	47
ASSIGNMENT OF CASES TO DIFFERENT JURISDICTIONS/JUDGES	47

SECTION 22.....	49
ETHICS OF WYOMING REPORTERS	49
SECTION 23.....	51
PERFORMANCE OF OTHER DUTIES AS ASSIGNED.....	51
APPENDIX A	52
2021 WYOMING OFFICIAL REPORTERS.....	52
APPENDIX B, BILLING FORMS.....	55
FORM 1, MANDATORY CRIMINAL TRANSCRIPTS	55
FORM 2, CIVIL BILLING INVOICE	56
APPENDIX C	57
MILEAGE, LODGING AND M&IE.....	57
APPENDIX D	58
FEDERAL MAXIMUM TRANSCRIPT RATES.....	58
APPENDIX E	59
REALTIME DRAFT DISCLAIMER FORMS.....	59
APPENDIX F, TITLE, INDEX, EXHIBIT INDEX, CERTIFICATE, REDACTION, WITNESS FOOTERS	61
PART 1, TITLE PAGE EXAMPLES.....	62
PART 2, INDEX AND EXHIBIT INDEX PAGES EXAMPLES	67
PART 3, CERTIFICATE PAGE EXAMPLES	70
PART 4, REDACTION, FOOTER, CONFIDENTIAL/REDACTED EXAMPLES	72
APPENDIX G.....	74
APPEAL CERTIFICATION EXAMPLES.....	74
APPENDIX H.....	76
EXHIBIT RECEIPT FORM	76
APPENDIX I, REDACTION FORMS	77
EXAMPLE 1, CIVIL REDACTION FORM	77
EXAMPLE 2, CRIMINAL REDACTION FORM.....	78
EXAMPLE 3, EITHER CIVIL OR CRIMINAL.....	79
APPENDIX J.....	80
SUBSTITUTE REPORTER FORM.....	80
SERVICE CONTRACT	80
APPENDIX K.....	81
FREQUENTLY USED WEBSITES AND EMAIL ADDRESSES.....	81
APPENDIX L	82
WYOMING TERMS/ACRONYMS/COMMONLY HEARD TERMS/AGENCIES	82
APPENDIX M	84
WY STATUTES AND RULES REGARDING OFFICIAL COURT REPORTERS.....	84

(If this manual is in a Word document format, highlight the section or appendix you wish to go to and press Ctrl/left click. It will take you to the section or appendix.)

FOREWORD

Whether a new resident or a long-time resident, Wyoming welcomes you to your position of official court reporter in our great state. With a 2020 Census population of just 578,759, Wyoming is officially the least populated state in the U.S. We are a state which encompasses 97,813 square miles, and whose largest city, Cheyenne, our capitol, has only 65,000 residents. The distance between communities and cities makes Wyoming a truly unique state. We cherish our beautiful outdoors and are extremely proud of Yellowstone National Park, the Grand Tetons, and, of course, the first national monument in the United States, Devil's Tower.

Wyoming is divided into 23 counties and 9 judicial districts. Those 9 judicial districts are presided over by 24 judges, and there are 24 official reporters. Official reporters are State of Wyoming Judicial District at-will employees for the judicial district in which they were hired. The reporters work one-on-one with the judge who hires them, not in a court reporter pool scenario under a court administrator's direction. Our philosophy is a district-based team approach in which our team of four (judge, judicial assistant, staff attorney and reporter) work closely together to accomplish all tasks within our chambers. It is this team approach of court management that makes reporting in Wyoming a truly unique state in which to work. (See Appendix A for a list of all reporters, districts, and judges.)

The Wyoming Supreme Court is comprised of five justices who serve a term of office of eight years. The five justices select the Chief Justice who serves a four-year term. Their website is www.courts.state.wy.us/supreme-court. This site contains contact information, Supreme Court opinions, court rules, job openings, and other helpful information.

The State Court Administrator serves at the pleasure of the Wyoming Supreme Court. Elisa Butler, State Court Administrator, and her staff are responsible for the budgets of the Supreme Court and Circuit Courts, for all court technology, IT services, and for the purchase and maintenance of court property.

Our state court reporters' association, Wyoming Professional Court Reporters Association (WPCRA), is comprised of freelance reporters and official reporters. The objective of WPCRA is to encourage, establish, and maintain high standards of professional education, competence, and performance; to promote lawful and proper professional ethics and compliance with all applicable Wyoming laws and national standards for reporters; to stimulate and encourage the establishment and maintenance of adequate training and educational facilities and programs for its members; to appoint and serve as mentors for newly hired reporters; to cooperate/coordinate with federal, state, and local governments, their agencies and other organized groups for the benefit of the public and for the legal recognition of the shorthand reporting profession; and to host a yearly CEU/educational conference to ensure professionalism and consistency of policy and procedures of its members.

Membership in WPCRA is open to reporters who subscribe to and support the purposes of the Association and who are skilled in the art of verbatim reporting of proceedings by the use of shorthand symbols. Dues are \$75 annually. WPCRA's webpage can be found at www.wpcra.org.

The Association also maintains a Facebook page which contains our latest information and court-reporter related posts.

The WPCRA Board for 2021 is as follows:

President: Raneé Gonsalez

President-Elect: Michelle Cunningham

Secretary: Susan Edwards

Treasurer: Janet Loveless

Immediate Past President: Tara France

At-Large Board Members: Lance Oviatt and Patricia Goedken

Due to the low number of reporters and high associated cost, Wyoming does not have a Board of Court Reporters as most other states do. We also do not have a Court Reporter Administrator. As such, WPCRA's officers and Board step into the role of policing its members and any reporters working in Wyoming. All officials must submit their yearly CEU transcript to the designated WPCRA board member when requested to do so. In the same fashion, confirmation of each official's performance bond and an up-to-date emergency contingency plan is undertaken yearly by WPCRA to ensure compliance with statutes.

This Suggested Best Practices Manual is prepared to assist Wyoming official court reporters, judges, and substitute reporters in their duties of preserving the spoken word in courtroom proceedings. *Each example is not intended to show only one way to handle particular situations, but it is our motivation and intent to show what we as a group believe are the suggested best practices and procedures for reporters to utilize while working within Wyoming.*

It is impossible to outline every situation that could arise in the preparation of a transcript or that could occur in the courtroom. Bearing in mind that the purpose of our profession is to preserve the record in a clear, concise, and intelligible manner, the reporter is the best person to make judgment calls about their own transcript preparation within the statutory guidelines and based on their training and education.

A day in the life of each of the 24 official reporters varies greatly; thus, our suggested procedures must be flexible enough to meet a variety of needs and situations. Some reporters have no need to travel and spend their days in the same courtroom; and others are assigned to several counties, work in several courthouses, have more than one office, and spend time each week traveling between the counties. The types of cases heard in the districts also varies greatly. Some districts have a higher volume of criminal matters, while others encounter more lengthy civil trials and/or related civil matters. Laramie and Natrona Counties have district attorneys as well as county attorneys, but the remainder of the counties have only county attorneys who perform both criminal and civil prosecution duties.

The manner in which dockets are managed is distinct to each judge. In larger districts, judges may schedule multi-defendant court proceedings and announce mass advisements to all defendants prior to addressing each defendant's case. Other districts prefer individually-set proceedings for each defendant.

Scheduling of civil dockets is also unique to each judge and their judicial assistant. Scheduling of both civil and criminal trials in many jurisdictions is conducted by stacking cases set for trial on one date and prioritizing them in an effort to ensure that other cases are ready and the dates are not lost for holding trials in the event the #1, #2, or #3 case settles or is continued.

The suggestions for the procedures and formatting in this manual are based on current Wyoming statutes and rules for the district courts and are a consensus by WPCRA members with input from Human Resources and the district court judges. Any repetition or cross-references regarding duties, statutes, or procedures is not meant to create confusion but is our attempt to compartmentalize topics for ease of reference.

Examples of forms discussed in each section in this manual, the forms and/or links to the same, can be found at the back of this manual in the Appendices section but may also be contained within some subject matters as well, e.g., the invoice/payment form for submission of criminal transcript. Examples of other forms, e.g., title pages, certificate pages, index pages as used by current reporters have been included with the hope that they will prove beneficial to all reporters in developing their own often-used forms within the transcript format guidelines.

Through this manual we hope to achieve a higher level of **UNIFORMITY AND CONSISTENCY** in:

- *Application of statutes and district court rules
- *Backup methods for raw data and completed files
- *Preparation of appeals, certification of completion of the record, compilation of the record, redaction, and exhibit retention
- *Billing procedures and more precise methods of determining rates charged for transcripts prepared by all officials and substitute reporters

Simultaneously, we strive to recognize the need for **FLEXIBILITY** in:

- *What is reported in civil proceedings
- *What is transcribed in criminal dockets according to the wishes of the judge in each district and their budgets
- *Uniqueness in each reporter's creation of their preferred title pages, certificate pages, indexes, and transcripts within the confines of those proscribed by statute
- *The official's 40-hour work week location
- *Docket management/scheduling in each court

This Suggested Best Practices Manual is a work in progress that is intended to be updated yearly and provided to all reporters and judges. After each legislative session, statutes and rules may change, and procedures may be modified. The content of this manual will change based on amendments and changes to the applicable district court rules and statutes. The current statute(s) and/or rule(s) as found in the statute and rule books should be consulted if in doubt about any changes in statutes or rules contained herein.

New reporters are encouraged to reach out to their assigned WPCRA mentor for support and assistance and may also seek the advice of all officials simultaneously via email by typing "District Court Reporters" in the "to:" column in an Outlook State of Wyoming email.

We are confident you will enjoy your work within the Wyoming court system and that you will find that Wyoming is a spectacular place to live. You will have the opportunity to expand your interests in hiking, camping, fishing, skiing, rafting, snowshoeing, and wildlife photography no matter where in Wyoming you live. You will know you are a full-fledged Wyomingite when you can correctly pronounce the Popo-Agie River (hint: Puh-Po-Shuh), Togwotee Pass, Vedauwoo, and you don some brown and gold to support University of Wyoming Cowboys athletics.

TKPWOE POEBGS!

Web Pages and Email Addresses:

Wyoming Supreme Court
www.courts.state.wy.us

Wyoming Professional Court Reporters Association (WPCRA)
www.wpcra.org

National Court Reporters Association (NCRA)
www.NCRAonline.org

State Mass Email Address for Official Court Reporters
DistrictCourtReporters@courts.state.wy.us

Wyoming Supreme Court Human Resources Manager
Brenda Reedy, M.Ed., SPHR, SHRM-SCP
BReedy@courts.state.wy.us

Facebook:
Wyoming Professional Court Reporters Association

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WPCRA gratefully acknowledges the dedication and assistance of all Wyoming reporters, including state officials, federal reporters, and freelance reporters, who, as a team, authored sections, proofread, offered input and critiqued each section, provided sample forms, and researched court-related topics and policies of other states.

Equally important was the District Judges Conference Court Reporter Subcommittee who met regularly for several months to address court reporter issues and to draft proposed revisions to statutes and rules for discussion at the upcoming District Judges Conference in April. That subcommittee was comprised of Judge Thomas Rumpke, Judge Jason Conder, Judge Timothy Day, Judge Dawnessa Snyder, Judge Steven Sharpe, and Judge Bobbi Overfield. The reporters invited to provide input to this subcommittee included officials Dianna Ewing, Tammy Fleming, Tara France, Jennifer Glassburn, Ranee Gonzalez, and Lance Oviatt.

To now-retired official Patricia Goedken, who has served as the manual's Editor in Chief, we are all indebted to you for the countless hours you have given to this project. And to Merissa Racine, who has served as a Wyoming freelance reporter for decades and now as an official, thank you for taking on the responsibility of being the final proofreader of the manual.

To what has been affectionately termed "the Natrona County team," your synergetic efforts continue to set a high bar for all of us. Heidi Walling, Joni Chaney, and Bobbi Jasmann, you are the epitome of teamwork in action.

And to the many State of Wyoming employees and Wyoming Supreme Court staff who were willing to share their knowledge and experience, your time and effort added validity to the development of the sections and aided us greatly in the completion of this manual. To Brenda Reedy, Wyoming Supreme Court Human Resources Manager, who has dedicated weeks of her time to the development of a clear and concise job description for the reporters, onboarding training protocols for new reporters and judges, and has meticulously read and provided input on anything we have asked of her, we are deeply grateful to you. We also wish to recognize Elisa Butler, Court Administrator, and Claire Smith, CFO, at the Wyoming Supreme Court for their willingness to review specific sections for accuracy and providing suggestions for improvement.

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And a special thanks to Nate Goddard and the IT team at the Wyoming Supreme Court for their assistance in completing the IT section and for the tremendous assistance they have provided to all of us during the global pandemic, allowing us to hold our hearings and trials remotely.

This is our first version, and we look forward to further cooperation as we update, revise, and work to perfect this guide annually.

SECTION 1

Job Description/Job Duties/Certification Requirements/Benefits and Compensation/Travel Requirements

Official Court Reporters are State of Wyoming Judicial District employees for the judicial district in which they were hired. As employees, reporters are required to complete all job duties as listed in the court reporter job description and as required by Wyoming statutes and rules governing the activities of Official Court Reporters. Reporters also take an oath of office and must be bonded.

Job Summary

The reporter's position includes making, preserving, transcribing, and delivery of the verbatim record of proceedings for criminal, civil, juvenile, and probate cases. Please note, this is a general job description as some job duties may vary based on court needs.

Job Duties/Responsibilities

- Reports proceedings of court trials, hearings, or conferences by shorthand or stenotype where verbatim records are required by law or at the request of parties.
- Transcribes the proceedings into accurate transcripts for purposes of appeal, at the request of parties, or by order of the court.
- Prepares and distributes transcripts and related exhibits received during the hearing.
- Reviews transcriptions for technical accuracy.
- Maintains records of notes and exhibits.
- Performs clerical duties as directed by the judge related to the court.
- Attends meetings and training as required.
- Performs other duties as assigned.

Required Skills/Abilities

This position requires an ability to:

- Plan, prioritize, and carry out assignments and complete projects with minimum supervision.
- Professionally and courteously deal with people, to include co-workers, other judges and the public beyond giving and receiving instructions, including being adaptable to performing under varied levels of stress.

This position requires skills in:

- Stenography.
- Transcription.
- Assessing, evaluating, prioritizing and handling multiple tasks, projects, and demands.
- Working within deadlines to complete projects and assignments.
- Establishing and maintaining effective work relations with co-workers and others having any interactions with the District Court.
- Explaining court procedures and processes in a clear, concise, and comprehensive manner.
- Operating a computer utilizing a variety of commonly used and specialized software applications.
- Operating usual office and courtroom equipment and technology.

- Preparing clear and comprehensive written and electronic court documents, correspondence, forms, and reports.

This position involves knowledge of and/or the willingness to learn:

- District Court policies, processes, and procedures.
- Legal requirements for court operations and case processing.
- Principles involving planning, scheduling, calendaring, and travel.
- Applicable State and Federal rules, codes, and regulations.
- State and County policies and procedures.
- Legal terminology.
- Principles and protocols for managing official documents and records.
- Principles of file and records management.
- Principles of bookkeeping and/or accounting, including invoicing and accounting systems, rules, and standards.

Minimum Qualifications

Education: High school diploma or equivalent

Certification: Must possess a minimum Registered Professional Reporter certification or an equivalent certification from a certifying state; and be proficient in computer-aided transcription and realtime.

Work Experience: No relevant work experience is required; however, preference is given for work experience in transcription or court reporting.

Additional Qualifications/Information

- The reporter will be expected to satisfactorily perform and complete such work assignments, projects, and/or duties as the judge may assign and direct.
- Some officialships require travel between counties. A valid driver's license and insurance with a safe driving record is mandatory.

Physical Requirements

This position requires mobility to work in a typical office setting. The applicant must have the ability to:

- Use standard office equipment;
- Stand and/or walk for a period of time;
- Sit for extended periods of time;
- Read printed materials and computer screens;
- Communicate in person or over the phone;
- Ability to attend work on a regular basis, including arriving at work on time;
- Evenings and weekends may be required IN ORDER TO COMPLETE TRANSCRIPT REQUESTS AND APPEALS IN A TIMELY FASHION; and
- Occasional travel.

Terms of Employment

Employment is "at will", serving at the pleasure of the judge who hires you.

The reporter must provide his/her own writers, computers, software, and printer, maintenance agreements for hardware and software. The State of Wyoming provides other items necessary to

report and create transcripts of District Court proceedings as specified by Uniform District Court Rules, 908(c).

New Hire Forms

The following forms must be completed on or before the first day of employment.

- New Employee Information Sheet
- At-Will Employment Acknowledgment
- I-9
- W-4
- Direct Deposit
- Badge or ID Card
- Travel forms
 - W-9
 - State ID Card
 - WYDOT Fuel Access
 - Motor Pool Access

Benefits Package

Reporters are eligible for the State of Wyoming benefits package which includes the following:

- Wyoming Retirement System
 - Public Employee's Pension Plan
 - 457 Deferred Comp
- Employees Group Insurance
 - Health, Dental, Basic Life
 - Voluntary Life
 - Vision
 - Short Term Disability, Long Term Disability, Long Term Care
 - Ambulance Service
 - Employee Assistance Program
- Holiday pay
- FMLA
- Longevity pay
- Workers Compensation

A representative from the Wyoming Supreme Court Human Resources Office will review this information during the onboarding program and provide the information you need to apply for these benefits.

Compensation Information

Reporters are paid on a monthly salary basis for the current month.

- Payday is the last business day of the month.
- Reporters are reimbursed for travel required by the court. Travel rates (per diem) are set by the State Auditor's Office. Current per diem rates can be found here: <https://sao.wyo.gov/travel/>

- The reporter shall be paid in full for all his/her services in connection with the transcribing and filing or furnishing the transcripts referred to in this act, the same fee for the transcribing, filing, and furnishing of transcripts. (See W.S. 5-3-407, W.S. 5-3-410)

The reporter's salary is set by Wyoming Supreme Court Order. Realtime certified reporters are paid at a higher rate of pay. Federal (USCRA) and National Court Reporters Association (NCRA) are the two acceptable realtime certifications.

Work Hours and Assignments

The judge shall establish core hours when the reporter will work. These hours may be adjusted subject to the court calendar, at the discretion of the judge. At times, it may be necessary for a judge to travel to hold court. The reporters will be reimbursed for travel at the federal per diem rate. Work is assigned at the discretion of the judge and in accordance with Wyoming Statute.

Court Reporter Certification

Reporters must be Registered Professional Reporter (RPR) certified or a state equivalent. Reporters must earn three (3) Continuing Education Credits every three (3) years, paid for, upon approval, by the court in which the reporter works. In addition, the Wyoming State Court Reporters Association holds an annual conference each year. The reporters are encouraged to attend the state conference and the court in which the reporter works will reimburse for travel and conference expenses.

Travel

In cases where the reporter is required to travel, they may either travel with their judge or separately, depending on judge's preference and budget constraints. Reporters are reimbursed for travel required by the court. The mileage rates for reimbursing state employees for use of personal vehicles upon state business is 57.5 cents a mile when no state vehicle is available and 37.5 cents a mile when the use of a personal vehicle is for the convenience of the employee. Travel rates are set based on the federal per diem rates and include mileage, lodging and meals. The State will not pay any expenses associated with a spouse accompanying a reporter on state business.

For more information regarding mileage and travel, please refer to the following websites:

https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup/?action=perdiems_report&state=WY&fiscal_year=2021&zip=&city=

<https://ai.wyo.gov/for-state-employees/policies-procedures>

SECTION 2

Information Technology

Each reporter is required to provide their own writer, computers, court reporting software, and printer. Software should be kept up to date with the current version. Computers should have an antivirus program that is kept up to date.

Reporters are required to keep a current backup of their shorthand dictionary, all shorthand notes, and audio if recorded. The district court will provide a copy of Carbonite online backup software which should be used to make a backup that is accessible in case of emergency by other court staff. For more information on backup requirements, please see the Section 19 in this manual regarding the emergency plan that each reporter is required to have in place.

If a reporter provides realtime to the judge and/or other court staff, the court should purchase the software needed to send realtime to staff computers. For example, CaseViewNet from Stenograph may be provided, but not the full Stenograph Catalyst software needed to translate shorthand and prepare transcripts. The court does not provide realtime software or hardware used to provide a realtime feed to counsel or parties. Realtime must be provided to the judge through a cloud-based application and not by a wired connection, Wi-Fi connection, or bluetooth connection.

Each reporter is provided with a copy of Microsoft Office by the Supreme Court Technology Office. This will allow you to access the court's calendar which is kept by using Outlook, and to access Microsoft OneDrive which can be used as another backup as well as a method to share documents and transcripts within your office.

Reporters are assigned an email address by the Court Technology Office. Court email should only be used for official court business and not for personal use.

The Wyoming Supreme Court Technology Office provides internet access for the courts. Due to security concerns, reporters are not allowed on the same network as other court staff. There is a separate network setup for the exclusive use of reporters. Contact the Wyoming Supreme Court Technology Office for assistance in setting up your internet connection.

Reporters are allowed access to the current e-filing system used by the district courts known as WYUSER. In order to access the online system, reporters are required to use two-factor authentication using either a physical fob or, preferably, a smartphone app. Please contact the Court Technology Office to set up your access to WYUSER.

Since the Court Technology Office does not provide hardware or court reporting software support to court reporters, it is important that reporters keep current support contracts with their software vendors.

The Court Technology Office can be contacted by emailing helpdesk@courts.state.wy.us

SECTION 3

Equipment/Supplies Provided; What the Reporter Must Supply

The reporter provides all equipment and court reporting software necessary to report and create transcripts of the District Court's proceedings. This equipment includes stenographic machine(s), computer(s), printer(s), and the relevant court reporting software. It is recommended that the reporter have two (2) computers, with the second computer being set up and ready to use in case the reporter's main computer malfunctions during court proceedings. The reporter is responsible for all expenses related to the maintenance of all of their equipment, including, but not limited to, maintenance contracts.

The State provides other items necessary to report and create transcripts, e.g. printer paper and toner cartridges. The reporter should check with the judge to determine what additional items will be supplied and paid for by their district.

The above is per Uniform Rules for the District Courts, Rule 908 II(a), (b), (c).

Note: An exception to court reporting software: Some reporters supply realtime services to their judge and staff attorney/law clerk and are reimbursed by their district for the yearly cost of the realtime connection software. The reporter should check with the judge to determine if the fee for the realtime connection software is paid for by their district.

Also, some reporters employ the services of a proofreader and/or scopist. Proofreaders and scopists may be hired by the reporter, but they are to be considered independent contractors of the reporter and are to be paid by the reporter and at no time by the State.

SECTION 4

Continuing Education Requirements

According to the Uniform Rules For District Courts, Rule 908, Certification and Continuing Education of Official Court Reporters, (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 (NCRA). The record of continuing education units are to be held by a designated member of the Wyoming Professional Court Reporters Association (WPCRA).

All reporters are encouraged to attend the WPCRA annual conference to earn such CEUs. Mileage, hotel, registration fee and per diem, and meals not included in registration fee may be covered by and through your district, depending on your judge's decision and any budget constraints.

If you are a member of NCRA, you can easily go to their website and forward a copy of the Continuing Education Transcript Report to a designated WPCRA member. (see below) That transcript report displays your cycle start date on it along with the units per that cycle that you have earned and your cycle end date. If you are not a member of NCRA, forward updates to the designated member any time you get continuing education units. Generally speaking, one unit equates to 10 hours, so if you attend the annual convention, you can easily keep up with your CEUs. Other ways to obtain CEUs is through live webinars, e-seminars, playing the NCRA Courting Disaster Game, article tests, book tests, among other things. Go to www.ncra.org under Education, and Ways to Earn Continuing Education, where you can find a list of ideas.

The current designated member of WPCRA is:

Ranee L. Gonzalez, RPR
Judicial District 5A
P.O. Box 408
Worland, WY 82401
rgonzalez@courts.state.wy.us

SECTION 5
Performance Bond and Notary Public Requirements
Statute 5-3-406

Performance Bond.

Statute 5-3-406 states that each reporter shall file a performance bond with the Secretary of State in the amount of \$1,000. Please note, this is a different bond than what is required for a notary public designation. This bond can be obtained through most insurance companies. The bond is to be purchased and then filed with the Secretary of State's Office Business Division. Their address is as follows:

Secretary of State
Herschler Building
Attention: Business Division
122 W. 25th Street, Suite 100
Cheyenne, WY 82002

Upon purchasing the bond, the reporter will take their bond to the County Clerk's office. A clerk will complete the Oath of Office and Acknowledgment of Principal by swearing in the reporter. Upon completion, the bond will then be forwarded to the County Commissioners of the county in which they reside for approval and forwarded to the Secretary of State's office. Although the statute is not clear, upon discussions with the Secretary of State, it is only necessary to file this bond one time and renewals are not required.

It should be noted that not all County Clerk's offices handle performance bonds as described above. In this case, the reporter should sign the bond and forward it directly to the Secretary of State's Office themselves.

Notary Public Designations.

In districts where it is the court reporter's job to swear in the witness or administer an oath, it is a requirement that the reporter is a notary public. This is true for both official court reporters as well as freelance court reporters. If this is not part of the reporter's job responsibilities, it is not a requirement for the reporter to be a notary public.

As noted on the Wyoming Secretary of State's website, "According to Wyoming statute, a Wyoming notary public may administer oaths or proofs of acknowledgment in a contiguous state if that state recognizes the Wyoming notary public's authority within that state to perform those acts. At the present time, Montana is the only contiguous state that recognizes the Wyoming notary public's authority to perform notarial acts." This becomes very important when a reporter travels to Wyoming to report a proceeding, whether as an official or a freelancer, and they are not a Wyoming or Montana notary public. In this situation, the reporter would not be authorized to administer an oath.

According to the Wyoming Secretary of State's website, the process for becoming a notary public in Wyoming is as follows:

1. The reporter must complete a PDF application, print it, and sign it.
2. Mail the application along with a fee of \$30 to the Secretary of State Notary Division.
Secretary of State
Herschler Building
Attention: Notary Division
122 W. 25th Street, Suite 100
Cheyenne, WY 82002
3. Once the application is processed, the reporter will receive notification. At this time the reporter may purchase a \$500 notary bond available from most insurance companies. Please note this bond is different than the performance bond described above.
4. The reporter will then take the bond to the county clerk's office in the county in which the reporter resides. The bond must be recorded by the County Clerk within 60 days of the beginning date of the commission
5. Once the notary certificate is received from the County Clerk, it is appropriate to purchase a notary stamp.

A notary commission lasts four years. It can be renewed every four years as deemed appropriate. For more information on the duties and responsibilities of a notary public in Wyoming, see the Wyoming Secretary of State's website. <https://sos.wyo.gov/Services/NotariesOverview.aspx>

SECTION 6

What to Report

Note: W.S. 5-3-409 provides that the reporter shall, “. . . do and perform such stenographic labor for the judge of said court as of him or her may be required in his official capacity as judge.” As such, the following guidelines are a minimum of what should be reported and a reporter may be required to report other proceedings as required by the district court judge.

Title 25 Involuntary Hospitalization Proceedings

W.S. 25-10-110(h) provides, “Any hearing conducted under this subsection shall be recorded by the court reporter or by electronic, mechanical or other appropriate means.” In practice, most Title 25 proceedings are not reported by the official court reporter. Again, this is at the discretion of the district court judge.

Juvenile Proceedings

Juvenile proceedings may be recorded electronically pursuant to W.S. 5-8-101. If a transcript of the proceedings is needed, the reporter may be required to produce a transcript from the recording. Taking into account the preference and direction of the district court judge, the best practice would be to report all juvenile proceedings since a transcript may be required.

Termination of Parental Rights in both Juvenile Court and Civil Proceedings

This type of proceeding in juvenile court may be recorded rather than reported by the reporter. As in civil matters, it is subject to the three-day notice requirements of District Court Rule 904; however, due to the serious consequences of such a proceeding, it is a good practice to always report such matters.

Criminal Proceedings

W.S. 5-3-404 requires that all criminal proceedings shall be reported except informal discussions, informal instruction conferences and pretrial conferences which shall be reported when requested by a party. Again, the best practice is to report all criminal proceedings unless directed otherwise by the judge.

Civil Proceedings

Rule 904 of the Uniform Rules for District Courts addresses giving notice to the reporter requesting a reporter for civil hearings. It reads:

“Any party requesting the reporting of a particular matter by the official court reporter shall provide notice to the official court reporter at least three working days before the matter is set for hearing. The three-day notice requirements can be waived by the court. The notice is not required for juvenile and criminal matters.”

The three-day notice requirement can be waived by the judge, not the reporter. If a reporter is requested to report a matter without the three-day notice being given, they should refer the requesting party to the judge.

W.S. 5-3-403 concerns the duties generally of reporters and reads in pertinent part, “. . . take full stenographic notes in cases tried during said attendance, of all testimony or admissions made by either side, objections to the introduction of testimony, the ruling of the court thereon, the exceptions taken thereto, and such other proceedings as the court may direct. . .” When read in conjunction with Rule 904 discussed above, the parties are required to request voir dire, jury instruction conferences, opening and closing arguments, and verdicts to be reported. In practice, reporters normally report all proceedings in civil bench and jury trials even though the language of the rule and statute appears to require notice be given to the reporter for some of the trial proceedings.¹

¹ See comment to W.S. 5-3-403 entitled, “Reporter’s attendance not required after parties rest.”

SECTION 7

What to Transcribe

In civil and juvenile matters, transcripts are only prepared when requested and in accordance with a Notice of Appeal.

W.S. 5-3-404 specifies what proceedings shall be transcribed in criminal matters in addition to those requested in a Notice of Appeal. It says, “The reporter shall, within a reasonable time, transcribe arraignment, plea, change of plea and sentencing hearings and file the transcript in the official court record.” This is the minimum required to be transcribed. Some judges also have probation violation proceedings transcribed as defendants are often sentenced as part of probation revocation proceedings; and other judges require all criminal proceedings outside of a trial to be transcribed. The reporter should make sure to determine what policy their judge has regarding the transcribing of criminal proceedings since anything beyond the statutory minimum requirement will affect their district court budget.

Rule 906 of the Uniform Rules for District Courts defines what a reasonable time is as referenced in W.S. 5-3-404. It says that arraignments, guilty pleas and sentencing transcripts shall be transcribed within 60 days of such proceedings. The best practice would be to make sure that the arraignment and guilty plea are transcribed prior to the sentencing hearing, even if it is less than 60 days, so the transcript will be available for review by the judge at the sentencing, if needed.

SECTION 8 Criminal Proceedings

The best practice is to report all criminal proceedings unless directed otherwise by the judge. The reporter is responsible for reporting all criminal hearings except informal discussions, informal instruction conferences and pretrial conferences, which shall be reported when requested by a party. Except for the exceptions listed above, the reporter should report the entire bench or jury trial, including voir dire, opening statements, motions, final arguments, as well as conferences with the judge in open court and in chambers. Wyoming Rules of Criminal Procedure Rule 55.

All original criminal transcripts are to be filed with the Clerk of the District Court.

W.S. 5-3-404 requires the following hearings be transcribed in a criminal case: arraignment, plea, change of plea, and sentencing. District Court Rule 906 provides these transcripts are to be filed (with the Clerk of the District Court's office) within 60 days. It is recommended the arraignment and/or change of plea hearing be transcribed prior to the sentencing hearing if it is scheduled to occur prior to the 60 days so the transcript is available for the judge's review.

With the exception of an appeal, all other criminal hearings which were reported, such as a pretrial, motion hearing, status/scheduling hearing, probation revocation hearing, are transcribed at the request of the judge or an attorney/party. In some districts, the judge requests the reporter to automatically transcribe some or all of these hearings. The reporter should ask the judge what hearings, besides the mandatory hearings, need to be transcribed.

W.S. 5-3-410 provides that, "The reporter may charge \$3.25 per page of 25 lines for all transcripts, records and other papers required to be made and issued as the official reporter. At no additional charge, the reporter shall include one copy for the party ordering the original. The reporter may charge \$1.25 per page for each additional copy, and may require payment in advance or upon delivery."

When there is an appeal in a criminal case, ALL hearings should be transcribed, and the original transcripts filed with the Clerk of Court. All hearings in an appeal should also be emailed in PDF format to tscripts@courts.state.wy.us. The transcripts sent to this address are only used by the Wyoming Supreme Court Justices and their staff in rendering decisions and are not given to outside parties.

In a criminal appeal, the defendant's attorney usually receives the first copy of all hearings. If it is an appeal by an indigent defendant, W.S. 7-11-506 states in part "The reporter's fees ... shall be paid by the county in which the conviction is had." The Public Defender's office usually does the appeal for an indigent defendant and would receive the first copy of all hearings. The county in which the case was heard should be billed for the transcript(s). If there is ever any question as to who is responsible for payment, the reporter should consult with the judge.

Some judges conduct multi-defendant proceedings. The reporter is compensated for one original transcript (\$3.25 per page) and copies of the transcripts (\$1.25 per page) for each additional defendant. A transcript for each individual defendant is filed with the Clerk. If a defendant has

multiple cases, the reporter is compensated for one original transcript (\$3.25 per page) and copies of transcripts (\$1.25 per page). The original transcript is filed in one file and a copy of the transcript is filed in each additional file

The reporter submits a Court Reporter Invoice for the mandatory criminal transcripts. This form is included in Uniform Rules For District Courts, Rule 908. A form may be obtained by going to: <https://www.courts.state.wy.us/wp-content/uploads/2017/06/CourtReporterInvoice.pdf>

Once the form (invoice) is completed and the judge has approved it, the form is emailed to hr@courts.state.wy.us to be to be processed. Payment of the invoice will be included in your monthly salary check.

SECTION 9

Juvenile Proceedings and Involuntary Hospitalizations

Involuntary Hospitalization Procedures

Title 25 governs institutions of the state and hospitalization of the mentally ill. W.S. 25-10-110 details the involuntary hospitalization proceedings process. If a Title 25 matter proceeds to trial, either a bench trial or a jury trial may be held.

- W.S. 25-10-110(h) provides that “Any hearing conducted under this subsection shall be recorded by the court reporter or by electronic, mechanical, or appropriate means.”
- Under W.S. 25-10-110(k), “The court is authorized to appoint a special commissioner to assist in the conduct of hospitalization proceedings.”
- The practice varies among judges. Some courts prefer to conduct Title 25 involuntary hospitalization proceedings themselves with their reporter reporting the hearings. In other districts, an appointed commissioner presides over all involuntary hospitalization proceedings and utilizes a recording device to preserve the record. In practice, most Title 25 proceedings are not reported by the reporter. The reporting requirement is at the discretion of the judge.
- All Title 25 proceedings are confidential proceedings.

Juvenile Proceedings

In Wyoming, Juvenile Courts are legislatively established. Pursuant to W.S. 5-8-101, Juvenile Courts are established in every county, with the district judges presiding. (See Chapter 8, Juvenile Courts, W.S. 5-8-101 and 5-8-102.) There are three types of juvenile proceedings in Wyoming: abuse and neglect proceedings, which are governed by the Child Protection Act (W.S. 14-3-401 to 14-3-441); child in need of supervision (CHINS) proceedings, which are governed by the Children in Need of Supervision Act (W.S. 14-6-401 to 14-6-440); and delinquencies, which are governed by the Juvenile Justice Act (W.S. 14-6-201 to 14-6-252).

Abuse and neglect cases determine whether a child should come under the supervision of the court due to abuse or neglect. The definition of abuse can be found at W.S. 14-3-202(a)(ii). The definition of neglect can be found at W.S. 14-3-202(a)(vii). In abuse and neglect cases, the parents are the responding party.

Child in need of supervision cases determine if a child should come under the supervision of the juvenile court due to non-criminal behavior. The definition of a CHINS can be found at W.S. 14-6-402(a)(iv). In CHINS cases, the child is the responding party.

Delinquency cases determine if a child should come under the supervision of the juvenile court due to a delinquent act. The definition of delinquent behavior is found in W.S. 14-6-201(a)(ix). In a delinquency case, the child is the responding party.

Confidentiality

All Juvenile Court proceedings are confidential proceedings. Any transcript prepared in any juvenile matter is deemed confidential and shall not be provided to anyone other than parties to the juvenile action unless allowed by the court. If a transcript of a juvenile proceeding is requested, the best practice is to inform your judge and confirm that provision of the transcript to the requesting party is acceptable.

Juvenile transcripts fall under Rule 3 of the Wyoming Rules Governing Redactions from Court Records, “Exemptions from redaction requirements.” Per Rule 3, redaction requirements do not apply to the following: “Documents already made confidential by the statute, administrative rule, court rule, or court order.” Therefore, juvenile transcripts can be filed as-is with no redactions undertaken, as the file is designated a confidential file. A reporter should place the word “Confidential” on the title page either by use of a footer or a hand stamp.

Reporting of Juvenile Proceedings

Per W.S. 5-8-101, “Each juvenile court shall be a court of record.” Best practices dictate that all juvenile matters be reported by the reporter; however, W.S. 14-3-424(a) and 14-7-224 (a) state, “If the allegations in the petition are denied, adjudicatory and disposition hearings shall be recorded by the court reporter or by electronic, mechanical or other appropriate means. Despite recording being permitted, Wyoming reporters are urged to report all juvenile matters.

Hearings

There are a variety of categories of juvenile hearings that may be held by the Juvenile Court. All case types will follow the same basic framework of statutory hearings, which are:

Detention Hearing or Shelter Care Hearing: This is the first hearing in any juvenile matter when a child has been removed from the home. This hearing must be held within forty-eight (48) hours of removal. At this hearing, the court will determine whether a child should remain in out-of-home placement pending further hearings. In some delinquency matters, the detention hearing will be referred to by some judges as an “arraignment.” For abuse and neglect cases, see W.S. 14-3-409; for CHINS cases, see W.S. 14-6-407; and for delinquency cases, see W.S. 14-6-207.

Initial Appearance: This is the hearing in which the court advises the parties of their rights and takes a plea. Some judges may combine the detention/shelter care hearing and the initial appearance. If the responding party “admits” the allegations in the petition, then the next hearing will be the disposition hearing. If the party “denies” the allegations in the petition, the next hearing will be the adjudicatory hearing. For abuse and neglect cases, see W.S. 14-3-426; for CHINS cases, see W.S. 14-6-426; and for delinquency cases, see W.S. 14-6-226.

Adjudicatory Hearings: This is the trial on a juvenile petition. Adjudicatory hearings can be bench trials or jury trials. If a party is found to have committed the allegations in the petition, he or she is deemed to have been “adjudicated.” For abuse and neglect cases, see W.S. 14-3-426; for CHINS cases, see W.S. 14-6-426; and for delinquency cases, see W.S. 14-6-226.

Disposition Hearings: This is the hearing after adjudication. This hearing is for the court to review the case plan and the pre-dispositional (PDR) or social summary and determine what further orders should be put in place. For abuse and neglect cases, see W.S. 14-3-426; for CHINS cases, see W.S. 14-6-429; and for delinquency cases, see W.S. 14-6-229.

Review Hearings: Review hearings are held every six (6) months when a child is in out-of-home placement. Review hearings do not have to be held if a child remains at home. Review hearings are an opportunity for the court to review progress in the case. For abuse and neglect cases, see W.S. 14-3-431; for CHINS cases, see W.S. 14-6-431; for delinquency cases, see W.S. 14-6-229.

Permanency Hearings: Permanency hearings are held every year when a child is in out-of-home placement. Permanency hearings do not have to be held if a child remains at home. Permanency hearings are an opportunity for the court to review progress in the case and determine if the Department of Family Services should be required to continue efforts to return the child home. For abuse and neglect cases, see W.S. 14-3-431; for CHINS cases, see W.S. 14-6-431; and for delinquency cases, see W.S. 14-6-229.

Other Hearings: There may be other hearings held in a juvenile case depending on how the case proceeds and the personal preference of the judge. One additional hearing to be aware of in delinquency cases is a transfer hearing. This hearing is held when a party is moving to have a delinquency case transferred out of juvenile court and into circuit or district court.

Statutory Findings

In juvenile proceedings, there are statutory findings that must be made in every hearing. These findings include terminology such as best interest of the child, contrary to the welfare of the child, reasonable efforts, reunification, and permanency. In regards to permanency, the court can make findings such as: family reunification, family preservation, adoption, guardianship, Another Planned Permanent Living Arrangement (APPLA) (for child 16 years of age or older), and the Juvenile Court may also order a concurrent plan.

Civil Matters Related to Juvenile Cases

Adoptions, paternity actions, termination of parental rights, and guardianship actions may be related to juvenile proceedings. These proceedings can also be filed by private individuals when there is not a juvenile court case. While many of these proceedings can be closely related to juvenile proceedings, they are civil proceedings. As civil proceedings, these matters fall under the three-day requirement in which reporting services must be requested. A judge may prefer to have any or all of these reported, and the reporter shall do so if directed. It is the suggested best practice to report all civil matters in termination of rights cases, since the end result can be that a parent loses custody of his/her child or children.

Parenting/Paternity Actions/Child Support

Title 14, Chapter 2, Articles 4 through 9 address parentage and paternity actions. The general practice of reporters is to consider paternity and child support hearings to be civil matters wherein the three-day rule requesting reporting of these matters applies.

Authority for this practice derives from Rule 907 which states as follows: “Electronic audio record for paternity cases. The district court in its discretion may comply with any requirements to report cases pursuant to Wyo. Stat. Ann. §14-2-408 by providing an electronic audio record of the proceedings. (Adopted October 28, 2003, effective January 1, 2004.)

Termination of Parental Rights (TPR)

Termination of Parental Rights actions are described in W.S. 14-2-309 through 14-2-319. The grounds for filing are stated in 14-2-309. A TPR action may be filed by either parent, the guardian or legal custodian, an authorized agency, or a biological or adoptive grandparent where the child has resided. TPRs related to juvenile cases can be filed by either the County Attorney’s office or

the Attorney General's office when it is appointed as a special deputy county attorney for purposes of filing the TPR petition.

When the Department of Family Services (DFS) is the petitioner, the minor child is in the legal and physical custody of DFS . After the petition has been filed, the court generally appoints a guardian ad litem; and per W.S. 14-2-318, the court may appoint counsel for any indigent party.

If a parent answers the TPR petition, a scheduling conference may be set or requested to schedule the matter for bench or jury trial. Various pretrial motions and hearings may occur. Should the jury or the court decide in favor of granting the TPR petition, the court enters a formal order terminating parental rights, and the parent has 30 days in which to file a notice of appeal.

If a parent does not answer the TPR petition, the party that filed the petition may request that the Clerk of Court enter a default, and a default hearing will then be set. After the default hearing, if petitioner is successful, the court may order that the parental rights of the parent(s) be terminated. A parent whose rights have been terminated has 30 days to file a notice of appeal.

If the court does not terminate the parent-child legal relationship per W.S. 14-2-316, it may dismiss the petition or direct DFS to continue with six more months of effort to rehabilitate the parent, after which time the trial can be reset.

Payment of appeal transcripts in TPR actions

If a parent has appointed counsel in a TPR action initiated by the Department and the court has appointed counsel for parent determined to be indigent, the Department is responsible for paying the cost of appeal transcript(s). In TPR cases not involving the Department, i.e., parent against parent, the County will be billed for the appeal record if the petitioner has appointed counsel.

SECTION 10

Civil Proceedings

In Wyoming not all civil proceedings outside of trial are reported as a matter of course. This gives the reporter time to work on mandated criminal transcripts and appeals. Since many hearings will never require a transcript, it is up to the parties, their counsel, and the judge to determine what should be reported. In order for the reporter to know what they should report in addition to what is required by statute, Rule 904 of the Uniform Rules for District Courts addresses giving notice to the court reporter requesting their services for civil hearings. It reads:

“Any party requesting the reporting of a particular matter by the official court reporter shall provide notice to the official court reporter at least three working days before the matter is set for hearing. The three-day notice requirements can be waived by the court. The notice is not required for juvenile and criminal matters.”

The three-day notice requirement can be waived by the judge, not the reporter. If a reporter is requested to report a matter without the three-day notice being given, they should refer the requesting party to the judge.

W.S. 5-3-403 concerning the duties generally of official reporters reads in pertinent part, “. . . take full stenographic notes in cases tried during said attendance, of all testimony or admissions made by either side, objections to the introduction of testimony, the ruling of the court thereon, the exceptions taken thereto, and such other proceedings as the court may direct. . .” When read in conjunction with Rule 904 discussed above, the parties are required to request voir dire, jury instruction conferences, opening and closing arguments, and verdicts to be reported. In practice court reporters normally report all proceedings in civil bench and jury trials even though the language of the rule and statute appears to require notice be given to the court reporter for some trial proceedings.²

² See comment to W.S. 5-3-403 entitled “Reporter’s attendance not required after parties rest.”

SECTION 11

Transcripts Fees/Page Rates Billing/ Federal Rate Guidelines for Exceptions/Delivery Timelines

All court transcripts are the reporter's work product; and arrangements for purchasing transcripts are to be made with the reporter. Uniform Rules for District Courts, Rule 908 I €

W.S. 5-3-410 provides that, "The reporter may charge \$3.25 per page of 25 lines for all transcripts, records and other papers required to be made and issued as the official reporter. At no additional charge, the reporter shall include one copy for the party ordering the original. The reporter may charge \$1.25 per page for each additional copy, and may require payment in advance or upon delivery." This statute pertains to both civil and criminal transcripts.

The rules provide that mandatory criminal transcripts are to be transcribed within 60 days of such proceedings. If these transcripts are not filed within a reasonable time, they are not as useful and it would be improper to receive payment for them. Best practice would be, when possible, to complete these transcripts before the next scheduled hearing even when that hearing may be less than 60 days away.

The rules provide that the reporter has 60 days from the filing of the notice of appeal to complete and file all transcripts which were heard in a criminal case; and the transcripts requested by the parties in civil matters. The reporter may ask the district court for an extension to file appeal transcripts if good cause is shown. One extension may be granted if good cause is shown.

When asked to provide a transcript in less than 60 days to a party other than the judge or court staff, the reporter may use the current federal rate chart for expedited transcripts. In no case may the reporter charge more than is allowed by statute or the Federal Maximum Transcript Rates chart for expedited transcripts. (See Appendix D)

The original transcript shall always be filed with the court. In both civil and criminal cases, the party ordering the transcript receives the first copy.

In most civil cases, the reporter directly bills/invoices the party ordering the transcript. In civil termination of parental rights cases, the reporter bills the Department of Family Services, unless directed otherwise.

In some criminal matters (most often arraignments), some judges conduct multi-defendant proceedings. The reporter is compensated for one original transcript (\$3.25 per page) and copies of the transcript (\$1.25 per page) for each additional defendant. A transcript for each individual defendant is filed with the clerk. If a defendant has multiple cases, e.g., three cases, that are heard during one hearing, the reporter bills for the original and two copies (\$3.25 per page, \$1.25 per page, \$1.25 per page). A transcript is filed in each court file.

For the mandatory criminal transcripts, the reporter submits a Court Reporter Invoice to the Accounts Payable/Human Resources Lead. This form is referred to in Uniform Rules For District Courts, Rule 908. A form may be obtained by going to: <https://www.courts.state.wy.us/wp->

[content/uploads/2017/06/CourtReporterInvoice.pdf](#). Once the form (invoice) is completed and the judge has approved it, it is emailed to hr@courts.state.wy.us to be processed. Payment of the invoice will be included in the reporter's monthly salary check.

In criminal appeal cases, if a defendant is represented by a private attorney, the reporter follows the billing procedure for civil cases. If a defendant is represented by the Public Defender's Office, once the judge allows the defendant to proceed in forma pauperis, the reporter bills the county where the criminal case was filed. Most counties have a county invoice form the reporter will need to fill out; and some counties also require that the reporter also supply an invoice. The reporter should check with the county; but in most cases, the reporter submits the completed invoices to the Clerk of the District Court for payment.

If there is ever any question as to who is responsible for payment, the reporter should consult with the judge.

In both criminal and civil appeal cases, WY Rules Governing Redactions From Court Records Rule 8 requires the reporter to provide either a key-word index or PDF electronic file of a transcript to all parties to aid in redaction efforts. The reporter should not charge the parties for the key-word index.

The judge and/or staff attorney/law clerk may request rough drafts of transcripts. These rough draft transcripts are considered part of the reporter's duties and there should not be a charge for these rough drafts. In some cases, the judge may order a certified, final transcript from the reporter and choose to pay for the transcript out of that district's budget.

Some reporters supply a realtime feed to the judge and/or staff attorney/law clerk. There should be NO CHARGE for this service. For a Wyoming reporter, the Federal guidelines only apply to parties in a matter. If a reporter does send a realtime feed to attorneys/parties, the reporter should use a disclaimer form. (See Appendix E)

It is within the reporter's discretion when not to charge for something. For example: Many reporters provide a PDF transcript free of charge to the GAL since they are representing the children of parties who have already paid for a transcript. (See Section 9, Juvenile Proceedings) Some reporters will provide a transcript free of charge to victims in criminal cases. Some reporters provide a PDF 4-plex copy of a transcript along with the regular transcript to a party who has paid for a transcript. 4-plex transcripts are frowned upon by the Supreme Court and a reporter should NOT file 4-plex transcripts.

Until e-filing becomes the norm and the reporter is otherwise advised, the reporter should always file the original, paper transcript with the Clerk of the District Court. Most attorneys who order transcripts prefer emailed copies instead of paper copies but the reporter should check with the attorney as to what form the attorney wishes the transcript to be in.

SECTION 12

Transcript Format Guidelines

Guidelines for transcripts are addressed in the Wyoming Rules of Appellate Procedures 3.02, Transcript of Proceedings, which state as follows in Section (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 inches and a maximum of 25 lines per page and no more than 10 characters per inch.”

“Condensed transcripts are disfavored by the Supreme Court.”

“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 Rules Governing Redactions from Court Records. The transcript shall be certified by the clerk as a part of the trial court record.”

Wyoming reporters are cautioned that “padding” transcripts by large indentations of paragraphs and colloquy in order to increase the total pages and the cost is not ethical and is not permitted. National Court Reporters Association Guidelines for transcripts are considered the best suggested practice for reporters in Wyoming to utilize in formatting transcripts in order to avoid padding and to maximize text on transcripts.

NCRA transcript guidelines are as follows:

1. No fewer than 25 typed lines on standard 8-½ x 11 page
2. No more than 10 characters to the typed inch
3. Left-hand margin to be set at no more than 1-¾ inches
4. Right-hand margin to be set at no more than ¾ inch
5. Each question and answer to begin on a separate line
6. Each question and answer to begin no more than five spaces from the left-hand margin and with no more than five spaces from the Q and A to the text
7. Carryover Q and A lines to begin at the left-hand margin
8. Colloquy material to begin no more than 15 spaces from the left-hand margin, with carryover colloquy to the left-hand margin
9. Quoted material to begin no more than 15 spaces from the left-hand margin, with carryover lines to begin no more than 10 spaces from the left-hand margin

10. Parentheticals and exhibit markings to begin no more than 15 spaces from the left-hand margin, with carryover lines to begin no more than 15 spaces from the left-hand margin

Title pages, indexes, and certification pages shall be designed by the official to their liking within the confines of the standards and guidelines set forth in statute and by NCRA.

All title pages must contain the following:

1. Name and number of the district in which the case is heard
2. Docket Number
3. Caption of the case, e.g., name of Plaintiff(s) and the Defendant(s)
4. Name of judge presiding over the proceedings
5. Date and time of proceedings held and the location of the courtroom
6. Appearances of counsel for the Plaintiff(s) and Defendant(s)
7. A description of what proceeding is being held. This could be arraignment, change of plea, sentencing, or the name of the motion(s) being heard by the court
8. A footer indicating whether the transcript is unredacted or redacted
9. A stamp indicating “original” when filed with the clerk of court
10. If a paper copy is provided, it should be stamped “copy”

Trial and evidentiary transcripts should contain an index to proceedings designating at what page direct, cross, or redirect is held of each witness and including jury voir dire, openings, closings, motions hearings, and any other notable proceedings. Exhibits must be noted as to what page they are admitted or denied, and it is the best practice to include a brief description of each exhibit within the index.

Samples of various title pages, indexes, and certification pages are provided in Appendix F to aid in the preparation of each. These are samples only to provide ideas for reporters in designing their own insert files.

Uncertified Rough Draft Transcripts

A reporter’s ability to provide instant translation offers an invaluable opportunity for judges and attorneys to request and receive rapid delivery in word form of uncertified rough draft transcripts from the reporter. They are aids to the judge and the parties that offer them quick access to the day’s proceedings which may contain useful testimony of witnesses and counsel’s argument or the court’s rulings. Counsel can search key words and phrases and be better prepared for other witnesses’ testimony or for cross-examination. Rough draft transcripts are one of the unique services verbatim reporters can provide that set reporters apart from courts utilizing recording systems. Reporters may receive compensation for the provision of uncertified draft transcripts from ordering parties, but official reporters provide rough drafts to their judge and staff attorney/law clerk at no cost.

The National Court Reporters Association (NCRA) suggests guidelines to be used when providing uncertified draft transcripts. NCRA’s Code of Professional Ethics, Guidelines for Professional Practice, Section III, should be referenced by any reporter providing uncertified draft transcripts.

These guidelines are intended to aid a reporter when providing uncertified draft transcripts. These are not mandates, but rather guidelines. The principal objective when a reporter provides an

uncertified draft transcript of proceedings is to aid in the administration of justice by providing a valuable service to the litigants, their counsel, and the court.

1. It should be noted that when an uncertified transcript is provided, there will be two versions of the transcript for one proceeding – the unofficial, uncertified version and the official, certified version. The uncertified transcript may contain errors, some of which could change the accuracy or meaning of the testimony. An uncertified transcript may not be filed with the court.
2. An uncertified transcript may only be distributed to ordering parties to the case. It should not be made available to the public, including news organizations or other non-participants.
3. A court reporter providing an uncertified draft transcript should perform the task undertaken by him or her in a professional manner, observing all laws, rules and orders of the court relating to the proceeding.
4. A court reporter providing an uncertified draft transcript should not perform any service under terms or conditions which will compromise in any way his or her impartiality or the exercise of good judgment and skill, or which will adversely affect the fair and impartial portrayal of the proceeding. Reporters should offer comparable services to all parties in a litigation proceeding.
5. A court reporter shall take steps to ensure that no one would mistake the uncertified draft for a final, certified copy of the transcript. An uncertified draft transcript should not include a completed title page, appearance page, certificate page, any mention of the swearing in of a witness by name, footer with firm name or reporter name.
6. An uncertified draft transcript should include a header or footer on each page stating “Uncertified Draft Transcript Only.”
7. A disclaimer form (see Appendix E sample forms) should be inserted and transmitted as a cover sheet with each uncertified transcript stating that the uncertified draft transcript cannot be quoted for any purpose and may not be filed with any court.
8. Where possible, all untranslated steno strokes and conflicts should be resolved before an uncertified draft transcript is provided to any party.

SECTION 13

Appellate Procedures

The appellant is required to notify the reporter of the notice of appeal to the Wyoming Supreme Court and to make arrangements with the reporter for payment of the transcript. The statutory rate of \$3.25 per page for the original and first copy and \$1.25 per page for each additional copy is the normal rate charged for an appeal. The reporter is given 60 days to complete the appeal transcript(s). Please refer to Section 11, Transcript Fees, etc., for expedited rates if counsel requests a transcript prior to the 60 days. If there is ever any question as to who is responsible for payment, the reporter should consult with the judge.

In all appeal cases, the original transcript is filed with the court. In most civil cases, most often the counsel/party appealing (appellant) pays for the original and receives the first copy. Civil termination of parental rights transcripts are most often paid for by the Attorney General's office. Indigent criminal transcripts (not including the mandatory criminal transcripts) are paid for by the county in which the trial was held. A criminal defendant with privately retained counsel pays for the original and receives the first copy, but may be given, at no additional cost, the "first" copy of the mandatorily transcribed criminal transcripts.

It is within the reporter's discretion when not to charge for something. For example: Many reporters provide a PDF transcript free of charge to the GAL since they are representing the children of the parties who have already paid for a transcript. Some reporters will provide a transcript free of charge to victims in criminal cases. Some reporters provide a PDF 4-plex copy of a transcript along with the regular transcript to a party who has paid for a transcript. 4-plex transcripts are frowned upon by the Supreme Court and a reporter should NOT file 4-plex transcripts.

Arrangements for payment must be satisfactory to the reporter. If counsel certifies that transcripts have been ordered and an arrangement for payment has been made, but counsel fails to contact the reporter and follow through with the request, the reporter shall prepare an affidavit setting out the facts with the reporter's attempts to obtain payment. The reporter shall also notify the Supreme Court of counsel's failure to do so. The reporter should also notify the Supreme Court if a notice of appeal has been filed stating that a transcript has been ordered and payment arrangements have been made, but the reporter was never contacted by the appellant; however, was notified by the appellee or the clerk that a notice of appeal had been filed by the appellant stating transcripts had been ordered and arrangements for payment had been made.

Condensed transcripts are disfavored by the Supreme Court. The transcript format shall be 8 ½ x 11 inches and a maximum of 25 lines per page, with no more than 10 characters per inch. The reporter shall indicate in a footer at the bottom of each page the name of the witness, counsel examining, and the type of examination. It is recommended the reporter indicate at the bottom of each page, where applicable, the different parts of the trial, e.g. "SMITH/VOIR DIRE"; "SMITH/OPENING", etc. Appended to the transcript shall be a table page with page references reflecting the names of witnesses, types of examination, and points at which exhibits were offered and admitted or refused. A key-word index should also be included at the end of the transcript. The reporter shall certify the transcript(s).

In criminal and juvenile cases, the appeal transcripts shall consist of all proceedings including, but not limited to, arraignment, pretrial, motions, voir dire, opening and closing statements, conferences with the judge in open court and in chambers, motions, in addition to the testimony received and other essential materials, as well as the sentencing hearing and any other motions hearings – in other words, everything reported by the reporter.

In all other cases, upon filing a notice of appeal, the appellant designates all or a portion of the transcript(s) the appellant intends to include in the record. If the appellee deems a transcript of other parts of the proceedings is necessary, within 15 days after service of the appellant's designation, the appellee shall order such parts from the reporter or procure an order from the trial court directing the appellant to do so.

The reporter shall file the original, completed transcript with the clerk of the trial court within the time allowed by the Wyoming Rules of Appellate Procedure (60 days) and the Rules Governing Redactions From Court Records (refer to Section 15, Redactions). Please note: In Wyoming Rules of Appellate Procedure, Rule 3.05, the clerk of the trial court is directed to have “no more than 250 pages per volume.” If a transcript is greater than 250 pages, the reporter may want to divide the transcript.

Within 60 days after the notice of appeal is filed, the reporter shall file with the clerk the transcript or portions thereof which were ordered. If the reporter is unable to complete the requested transcript(s) in the time allowed, the trial court may, upon good showing, extend the time for filing. In a motion asking for an extension, the reporter shall state with specificity why an extension is necessary. A copy of the motion and order shall be served on all parties and the Clerk of the Supreme Court. Once a transcript is filed, any redactions shall be made pursuant to Rules Governing Redactions from Court Records. Please refer to the Redactions section for this information.

Upon completion of the redacted transcript(s) and contemporaneously with filing the transcript(s) with the trial court, the reporter shall notify in writing or electronically the Clerk of the Supreme Court, the Clerk of the District Court, and all parties to the appeal that the transcript has been filed in the trial court.

Also upon completion and filing the transcript(s) with the clerk, all hearings transcribed in an appeal should be emailed in PDF format to tscripts@courts.state.wy.us. Include both the Unredacted and Redacted transcripts in the event the Supreme Court quotes your transcript. The transcripts sent to this address are only used by the Wyoming Supreme Court Justices and their staff in rendering decisions and are not given to outside parties.

Wyoming Rules of Appellate Procedure Rules 2.05, 2.06, and 3.02

SECTION 14

Exhibits Offered, Received, or Denied During Court Proceedings

Though currently silent in our statutes, the retention of exhibits received during court proceedings has historically been undertaken by official reporters and their substitutes. Best practice dictates that the court shall have safekeeping responsibilities for exhibits admitted at trial or hearing. Exhibits must be preserved and maintained for use by the court in preparing rulings and as part of the record in the event of an appeal.

The form in which exhibits occur vary greatly, but at the conclusion of the trial or hearing, the court shall only retain “standard” exhibits. It is in the court’s discretion whether they will retain the exhibits themselves or whether they choose to assign this task to their reporter or judicial assistant.

Custody of “Standard” Exhibits

As used in this section, “standard” exhibits refer to and include documents, photographs, video, and other electronically stored data on a disk or storage device and only exhibits that are capable of being filed with the Clerk of Court. The court shall not take custody or possession of physical evidence. “Physical evidence” is described as bulky exhibits such as clothing, money, drugs, firearms and ammunition, or bulky items which cannot be filed within a court file. District courts do not have the secure storage space in which to maintain anything other than “standard” exhibits in a safe manner.

Attorneys offering physical evidence at a trial or hearing shall submit a photograph of the item(s) to the court who will retain the photograph(s) as part of the record in lieu of the actual physical item. At the conclusion of the hearing or trial, all physical evidence shall be returned to the custody of the party (attorney/prosecutor/law enforcement agency) who offered the item(s), and that party shall be charged with the responsibility for transportation and safekeeping of the exhibit until the time to appeal has expired or until any appeal taken has concluded.

At the time that physical evidence is transferred to a party or law enforcement agency, a receipt for such transfer of physical evidence shall be prepared and signed by both the court or its representative and the receiving agency or party and filed in the court file. (See sample form for evidence transfer in Appendix H.) The party (attorney/prosecutor/law enforcement agency) who has taken possession of and is in charge of maintaining the physical exhibit(s) shall permit inspection of the exhibit(s) by any party who requests to do so for purposes of preparing the record on appeal.

Return of Standard Exhibits

Exhibits offered and received in civil proceedings are governed by Rule 903, which states: “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 reporter.”

Unless otherwise ordered, at the conclusion of the trial or hearing in all matters, standard exhibits in the custody of the court shall be retained until the time to appeal has expired or any appeal taken has concluded. And at that time standard exhibits may 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. (See sample form in Appendix H). If a party fails to retrieve the exhibits within sixty (60) days after the time for appeal has expired, the court or its designee shall destroy or otherwise dispose of the exhibits.

Sensitive and/or Physical and Bulky Exhibits

“Physical” exhibits are described as bulky exhibits such as items of clothing, money, drugs and drug paraphernalia, firearms and ammunition, and other oversized items which cannot be filed within the court file. These physical exhibits shall remain in the custody of the party (attorney/prosecutor/law enforcement agency) producing them. If deemed appropriate by the court, some of these exhibits may be provided to the jury for examination during deliberations but shall be returned to the party (attorney/prosecutor/law enforcement agency) for safekeeping at the conclusion of the jury’s examination. A signed receipt identifying the exhibits and the agency or party retaining custody is to be prepared and filed immediately at the conclusion of the proceedings held in the case.

Understanding that exhibits have the potential to be altered, no exhibits received into evidence should be checked out to a party. Copies should be made if needed, but the court shall maintain the original exhibits that were received at all times until filed with an appeal or a transcript.

During trials and evidentiary hearings, exhibits may be offered but denied admittance by the court. Those denied exhibits shall be maintained in the record in the event of an appeal.

SECTION 15

Redactions

WY Rules Governing Redactions from Court Records, Rule 1. Redacted filings [Effective June 1, 2018.] For any documents filed after January 1, 2011, unless otherwise ordered by the court, the parties shall refrain from including, or shall redact, where inclusion is necessary, the following four personal data identifiers from their pleadings, including exhibits thereto. (a) Social Security Numbers. — If an individual's social security number must be included, only the last 4 digits of that number should be used. (b) Names of Minor Children. — If the involvement of a minor child must be mentioned, only the initials of that child should be used. This does not include cases where the minor is a party to the case, unless the statutes otherwise require. (c) Dates of Birth. — If an individual's date of birth must be included, only the year of birth should be used. (d) Financial Account Numbers. — If a financial account number is relevant, only the last 4 digits of such numbers should be used. The responsibility for redacting these personal data identifiers rests solely with counsel and the persons filing the documents with the court. The Clerk will not review papers for compliance with these rules. (Amended February 3, 2011, effective February 3, 2011.)

The most recent rules regarding redactions have only five identifiers that are allowed to be redacted from transcripts: social security numbers, names of minor children, dates of birth, financial account numbers, and victim addresses. While it may seem tempting to do these redactions on our own, the rules require that the parties are responsible for such requests. Ideally, the parties would only use initials, years of birth, city and state, and the last four digits for social security numbers or financial account numbers. Since this is rarely the case, the rules have been adopted to protect confidential information. The exemptions from redaction requirements are found in Rule 3 of the Wyoming Rules Governing Redaction from Court Records.

Once a transcript is filed, the court reporter should give notice to the parties on both sides. The form used for criminal hearings is convenient for listing several transcripts at once. It can then be delivered to the District/County Attorney's Office, the Public Defender's Office, and to any other attorneys unaffiliated with either office. A separate form can be utilized for all other cases that lists the single case name and can then also act as notice to the parties that a transcript has been ordered. (See Appendix I sample form.)

According to Rule 8, the attorneys are then responsible for reviewing the transcripts for the personal identifiers. In criminal cases, the prosecutor is responsible for redaction requests. They have 11 calendar days to file a Notice of Intent to Redact with the clerk. Within 21 days of the filing of the transcript, the party requesting redactions must file a Confidential Redaction Request with the court reporter that includes the title of the transcript, the date filed, the case number, and the items to be redacted, referencing them by page and line number and how they are to be redacted. When a Confidential Redaction Request is received, the court reporter has 10 days (31 days from the date of filing) to perform the requested redaction and file a redacted transcript with the clerk's office. The original transcript is then placed in the confidential file.

When a case is appealed, the court reporter is required to provide a concordance index or PDF file to all parties to assist with redactions. The Supreme Court requires PDF files of all appeals to be emailed to tscripts@courts.state.wy.us within three (3) days of the record being transmitted to the

Supreme Court by the Clerk of the District Court. The original is sent as well as a redacted version, if redaction requests are made. When making redactions, the black-out method is used so that the page and line numbers remain consistent in both transcripts.

SECTION 16

E-Filing

The Wyoming Supreme Court has been working for some time on a new e-filing system for the district courts of Wyoming. It is anticipated that within the near future, e-filing of court transcripts will become a routine procedure. Until that time, transcripts are being uploaded to the current WYUSER system by the district court clerks' offices in each county. Some clerks are scanning transcripts and uploading the transcripts and some counties are accepting reporters' PDF transcripts on a flash drive or by email and then uploading those files into the WYUSER system. The reporter will need to check with their respective district court clerks to see what their preference is.

Until the e-filing system is completed, the Wyoming Supreme Court has issued an order requiring reporters to email a PDF copy of the transcript(s) on appeal to the Supreme Court. The transcript(s) should be emailed to tscripts@courts.state.wy.us.

For criminal defendants being represented by the Public Defender on appeal and allowed to proceed in forma pauperis, the \$3.25 transcript fee includes a copy for the Public Defender's Office. For their convenience, a PDF copy of the transcript on appeal should be sent to their office at kirk.morgan@wyo.gov and carly.rando@wyo.gov.

SECTION 17

Confidential Transcripts/Sealed Records

Confidential and sealed records are not redacted records. Refer to the Redaction section of this manual for information pertaining to redactions. Confidential and sealed hearings do not need to be redacted as they are confidential proceedings.

Wyoming Rules Governing Court Access to Records, Rule 6, contains a partial list of court records which are deemed to be confidential. Included therein are juvenile, paternity/termination of parental rights, and mental health (Title 25) records, the confidential cases most often dealt with by the reporter. The entire court file in these matters is considered confidential. Before transcribing a hearing in these types of cases, it is recommended the reporter advise the judge a transcript has been requested to determine if it is appropriate to provide the transcript. Confidential hearings should be transcribed only upon the proper motion and order of the court to ensure the privacy of the parties involved in the proceedings.

In nonconfidential cases (civil, criminal, etc.), the judge may order that portions or the entire transcript be confidential. The transcript should be marked as confidential and filed in the confidential portion of the court's file. The judge may also order the entire court file is confidential, and the reporter should provide a transcript only after the appropriate motion and order have been filed with the court.

When a transcript is ordered to be sealed, a court order is needed to open the sealed material. If a portion of a hearing is sealed, the reporter should make a notation on the index page and at the appropriate place in the unsealed portion of the transcript that a portion of the record has been sealed and where the sealed portion may be found. The original unsealed and sealed portions of the transcript are filed in the court's file. The sealed portion of the transcript should be sealed in a manila envelope, with the outside of the manila envelope containing the case name, case number, date of the hearing – basically, a title page, stating something to the effect of “Enclosed herein is the sealed portion of the hearing -- or sealed hearing -- held on (the date of the hearing), to be opened only upon court order.”

Examples of a confidential or sealed transcript where the judge may direct the reporter to mark as confidential or seal portions or all of a transcript of a hearing: A civil divorce proceeding may include information obtained in a separate juvenile matter or the judge may visit with the minor child(ren). In some cases, the judge may order and deem the entire court file confidential; in others, only where the pertinent testimony was received. In a criminal proceeding, if a defendant asks to recuse his attorney during a proceeding, a hearing would be held out of the presence of the State's attorney. The judge may direct the reporter to seal this portion of the hearing until after sentencing to maintain attorney/client privilege. Adoption records are generally sealed upon the completion of the adoption.

SECTION 18

Records Retention/Backup Requirements/Daily Logs/Recordkeeping Required of Notes and Logs

NOTE: All court transcripts are the reporter's work product; and arrangements for purchasing transcripts are to be made with the reporter. Uniform Rules for District Courts, Rule 908 I(e)

All stenographic notes are considered the property of the District Court. All stenographic notes are to be retained by the reporter for ten (10) years.

In the case of death or the long-term unavailability of an official, all officials shall use an additional online cloud storage program to back up and store all unedited transcripts and notes written of all proceedings they have reported. This would be a separate backup provider from any external drives or OneDrive or Dropbox that is utilized by the reporter.

In most cases, this backup of files would be on the realtime computer the official utilizes while reporting court proceedings or it may be located on another computer where the reporter keeps their untranslated steno and audio files. This shall be set up as an automatic backup system to back up and store all unedited steno files and accompanying audio files as well as the translated text accompanying the file. This automatic backup should also include the reporter's main personal dictionary.

WPCRA encourages officials to utilize Carbonite as a backup system for this purpose to provide uniformity in backup systems and for the ease of access by others should an emergency arise. All Carbonite information, such as passwords and account information, shall be contained in the reporter's emergency plan. A judge may wish to pay for this yearly fee from their budget as it would prove beneficial in the reporter's absence.

Utilization of this additional automatic backup method will prevent loss of the record and eliminate the need to hold re-hearings or redo trials in the event of a reporter's sudden disability, extended absence, or departure. It would prove beneficial to the district as a reporter retires, since there would be easy access to the record they reported during their employment with the State of Wyoming if the retired official is unavailable to prepare the transcript.

Each reporter must maintain a transcript log of all cases reported by them. The log must list the name of the case, the case number, and the date the matter was reported. Additional information such as the type of case, attorneys involved, etc., may be included.

The log and PDF stenographic notes, plus a copy of the reporter's Personal Dictionary (or copies thereof), should be maintained in the District Court's office in a location known by the judge.

The reporter should create an emergency contingency plan regarding the production of transcripts in case of the reporter's unavailability, incapacitation, or death. This plan should include, but is not limited to,

- (1) The location of the reporter's log.
- (2) The location of the backups of the reporter's electronic notes.

- (3) The reporter's court reporting software information, including the software's name and contact information of the software vendor.
- (4) A list of at least two individuals who are capable of producing a transcript from the reporter's notes.
- (5) Any other precautions the judge may require to protect court transcripts.

For additional information regarding the emergency contingency plan, refer to Section 19, Emergency Contingency Policy.

WY Statute 5-3-403 and the Uniform Rules for District Courts, Rule 908 I(a), (b), and (e).

SECTION 19

Emergency Contingency Plan

This plan is developed at the request of the Wyoming District Court Judges. Rule 908 of the Uniform Rules for District Courts governs rules for Official Reporters to maintain their stenographic notes, certification and continuing education, expectations for equipment and supplies, as well as a uniform payment of fees.

Although, each reference in this chapter is not intended to show the only way to handle particular situations, as each district in Wyoming is different with different circumstances, this chapter is designed to assist a reporter who may need to complete a transcript for a reporter who is otherwise unable to fulfil his/her duties. It would be impossible to outline every situation that could arise in the preparation of a transcript. Bear in mind that the purpose of our profession is to preserve the record in a clear, concise, and intelligible manner. How can I help someone in my shoes?

It is important to have locations of where such reporter would be able to have access to steno notes, backup files, exhibit locations, any trial/hearing notes, trial/case logs, name and contact information for a proofreader and/or scopist familiar with the reporter's writing, and information on the reporter's equipment.

Each reporter is encouraged to develop their own Rule 908 Compliance Form. For convenience, attached to this chapter is a generic, fill-in-the-blank form to use or to guide an interim reporter to the location(s) of pertinent materials that one would need access to if there was an Official Reporter that was unable to fulfill his/her duties.

All reporters' records should be kept in a secure place and should be clearly labeled and maintained in chronological order.

Trial/Case logs should include the following:

1. Case title, date, and time
2. Case Number
3. Identification of speakers
4. Nature of the proceedings
5. Name of judge and/or jurisdiction
6. Name of court reporter
7. Counsel of record
8. Lists of witnesses
9. Lists of exhibits identified/received
10. Lists of jury panel members (seated and stricken) and seating charts
11. Location of where to find exhibits entered (if applicable)
12. Any other clarifying information or Official Reporter's note

Section 19
Uniform Rules for District Courts
RULE 908 COMPLIANCE INFORMATION

Official Reporter: _____

Date: _____

I. Stenographic Notes.

(a) (1) Paper steno notes location: _____

(If applicable)

Electronic steno notes location: _____

Where can a “log” of cases that were reported (or not reported) be found?

(Ex: Daily docket sheets, case logs, et cetera.)

All notes, paper and/or electronic, shall be considered the property of the District Court.

(b) Electronic format of Official Reporter’s personal dictionary can be found where?

(c) Upon the illness, incapacitation, or death of the Official Reporter, please see below:

(1) Location of Official Reporter’s Case/Trial Logs _____

(2) Location of Official Reporter’s electronic steno notes and other storage devices: _____

(3) Location of Official Reporter’s hardware/software used to produce transcripts:
CAT Software location: _____

CAT Software name and vendor contact: _____

(4) If available, name two people (name, location, phone number) who are capable of reading the Official Reporter’s notes:

One: _____

Two: _____

(5) Voicemail PIN or password: _____

Scopist(s) (if applicable): _____

Proofreader(s) (if applicable): _____

(d) What are additional steps or further precautions that have been taken to protect court transcripts? (Ex: Cloud backup, external hard drives, et cetera.)

(e) Do you keep track of transcripts ordered? Transcripts transcribed? How? Location of transcript log?

II. Certification and CEUs of Official Reporter:

(a)(1)(2)(3)(4)

Year certified: _____

Type(s) of certification(s): _____

(b) Date hired as an Official: _____

(c) Are your CEUs up to date? Yes / No

Location of CEU record? _____

III. Equipment and Supplies:

(a) Location of Writer: _____

Location & password of courtroom laptop: _____

How do you label realtime files in your computer? _____

Location of other means used to transcribe court transcripts. (Ex. office computer, laptop, et cetera): _____

Location of printers used: _____ (personal or State)
_____ (personal or State)

(b) Software brand: _____
Software Version: _____

PKC for e-Key license: _____
(This e-Key will need to be updated as software agreements expire.)

(c) The State shall provide for the Official Court Reporter's use, those other items necessary to report and create transcripts of District Court 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) Location of standard transcript forms as well as invoicing for transcripts transcribed, software used to invoice, passwords for the same:

(b) (Please also see Section 12 of this Suggested Best Practices Manual.)

Please submit a copy of this form or one your choosing to the judge and/or judicial assistant in your jurisdiction, as well as the two other named court reporters identified in Section (c)(4) above, and keep a copy for your records.

Date

Official Court Reporter

Address

Phone Number

SECTION 20

Reporter Illness, Need for Coverage, Hiring Substitutes to Report Court Proceedings, Officialship Vacancy

Although reporters do not accrue vacation or sick hours, the need inevitably arises when coverage is needed by a reporter due to personal illness, family emergencies or commitments, medical/dental appointments, or other personal issues. In multi-reporter districts, the reporter should first reach out to other reporters in their district for assistance.

Should other reporters be unavailable to cover in person, the reporter should next determine the availability for remote coverage by the other 23 reporters by sending an email addressed to “District Court Reporters” stating the date of the hearing(s), length of the proceeding(s), and other relevant information.

Reporters should confirm with their judge if coverage remotely is acceptable for the specific hearing(s) or trial. If approved by the court, a Microsoft Teams link shall be sent to the official reporter who is willing to cover remotely.

If no reporter is available for coverage, a freelance reporter must be secured. All substitute reporters will need to be a vendor with the State of Wyoming in order to receive payment. Forms can be obtained from the Wyoming State Auditor. The substitute reporter must be certified by the National Court Reporters Association at 225 w.p.m. minimum or have achieved an equivalent state certification.

Upon determining that a freelance reporter is able to cover, the reporter shall inquire as to the fee to be charged for half-day coverage and a full day’s coverage and get approval from his or her judge, as this cost will be borne by the district’s budget. A reporter may also, at their own expense, secure a certified reporter for coverage of court proceedings if they so desire after getting court approval to be absent.

The substitute reporter shall be notified by the official reporter in writing (email is acceptable) that W.S. 5-3-410 provides that, “The reporter may charge \$3.25 per page of 25 lines for all transcripts, records and other papers required to be made and issued as the official reporter. At no additional charge, the reporter shall include one copy for the party ordering the original. The reporter may charge \$1.25 per page for each additional copy, and may require payment in advance or upon delivery.” The substitute reporter should also be notified that if any transcript is prepared, the original transcript must be filed with the court and the first copy is given to the party ordering the transcript. Appendix J contains a sample service contract form which may be utilized outlining fees and terms to be sent to the substitute. It is the advised best practice to forward this section, Section 20, to the substitute as well.

Should an expedited transcript be ordered, the substitute should be made aware that the Federal Maximum Transcript Rates must be followed. (See Appendix D) Transcripts are not to be billed at the going freelance rate, but the rates charged must be within the confines of Wyoming state statutes for normal delivery and within the guidelines of the Federal Maximum Transcript Rates for expedited transcripts.

A judge may wish to order a rapid delivery, rough draft of proceedings from a substitute reporter to assist in making its ruling or as an aid to assist in the preparation for a subsequent hearing. In this situation, the judge is encouraged to inquire of the substitute reporter the amount they would charge per page for the provision of the uncertified draft transcript to prevent any misunderstanding or unanticipated charges. The judge could then determine if the amount is acceptable to him/her before ordering. In 2021, a reasonable amount that might be charged by a freelance reporter could range from \$1.50 per page to \$2.00 per page for this expedited service, but this amount may differ according to the established rates of the substitute reporter and the turnaround time requested.

Substitute reporters shall be informed of the deadlines set by statute for specific categories of transcripts. Should a freelance reporter report criminal dockets comprised of arraignments, change of pleas, and/or sentencings, they shall complete all transcripts and file them within 60 days. These are to be billed at \$3.25/page for originals and \$1.25/page copy rate for any portion that is copied into other files in multi-defendant mass advisements.

When covering trial proceedings, substitutes should be informed that in the event a subsequent appeal is filed by a party, they will be required to prepare the appeal transcript(s) in a timely manner, completing the transcripts(s) within 60 days of the filing of the Notice of Appeal. Substitutes should be advised that the statutory rate of \$3.25 per page for the original (which is filed with the court) and first copy and \$1.25 per page for each additional copy is the maximum allowed per statute for appeal transcripts requested and produced in the normal time frame of 60 days. The reporter shall confer with the substitute on preparing their invoice to the appellant, and the official reporter shall prepare the letter certifying completion of the appeal and provide the PDF file(s) to the Wyoming Supreme Court. (See Section 13, Appellate Procedures)

In the case of a privately paid appeal, reporters are encouraged to seek and obtain prepayment of the appeal transcript(s) from the ordering party. This amount should be held in escrow until completion of the transcript in the event an appeal is dismissed, or an amount needs to be refunded due to overestimation of the total final cost.

In situations where the reporter is incapacitated and a substitute reporter is hired to cover for an indefinite period of time, the substitute shall maintain a daily log of the proceedings reported, the docket number, the name of the reporter's steno file, the parties present, and any other information that might be helpful should a transcript later be requested. The reporter shall provide this log to the court in the event the official is unavailable, and it shall contain their contact information.

Backup of Record: Any substitute reporter shall provide a PDF of their stenographic notes within ten (10) days of coverage. The substitute reporter shall also provide a backup of the entire translated file, including audio, in their court reporting software to the official for storage on One Drive, Carbonite, and/or any other means of backup the official chooses. The backup file will be used in the event the substitute reporter is unavailable/unable to transcribe their notes.

Vacancies in Officialships: When a vacancy occurs in an officialship due to any circumstance, the judge should contact the Human Resources Manager expeditiously in order to develop a job description and other pertinent information. The judge should request that the job announcement be placed on the Wyoming Supreme Court's website. It is also suggested that the judge place the

job listing with the National Court Reporters Association's online job posts for which a cost will be associated.

Judges are urged to contact the current president of WPCRA for assistance in filling the vacancy. WPCRA will proceed at the direction of the judge to contact the following: subcommittee members of WPCRA; all state associations of court reporters to place the job announcements on their websites; court reporting schools and online programs; federal reporters and the president of USCRA, United States Court Reporters Association. WPCRA will create posts announcing the vacancy on court reporting social media sites.

In addition, WPCRA members or the judge's staff may choose a direct email approach to announcing the opening and recruiting. A national or state listing of reporters may be purchased from NCRA for this purpose.

If the official has departed, the judge and judicial assistant shall be responsible for securing coverage for their court proceedings. This can be accomplished initially by reaching out to the other officials and requesting their assistance by means of remote coverage. In this scenario, the court or its appointed staff shall maintain a daily log of cases reported, by whom, and their contact information for later use.

If the length of the vacancy is uncertain, a judge may wish to contract with a freelance reporter for coverage until a replacement official is hired and in place. In doing so, it is suggested that the judge prepare a contract for the substitute outlining the appearance fees, conditions, and defining the fees they may charge for any transcripts produced while reporting for that court.

SECTION 21

Assignment of Cases to Different Jurisdictions/Judges

When a case is assigned to the reporter's judge from a different district, the practice has been that the reporter will report such case once assigned, unless the judge prefers to secure another reporter in that town to report the matter. The reporter should confirm the judge's preference.

In some instances, criminal and civil cases may be assigned from the district court judge to the circuit court judge.

As per W.S. 5-3-112, Assignment to Circuit Court Judge:

(a) A judge of the district court may assign to a circuit court judge any case or proceeding within the jurisdiction of the district court subject only to the following restrictions:

- (i) Rules promulgated by the supreme court;
- (ii) Acceptance of the judge to whom the assignment of the case or proceeding is to be made;
- (iii) Consent of each plaintiff and each defendant in a civil action wherein the amount in controversy is greater than fifty thousand dollars (\$50,000.00); and
- (iv) Consent of both the prosecutor and the defendant in a criminal case in which the defendant is charged with any crime for which the aggregate sentences for all crimes charged exceed five (5) years in prison.

(b) The law and rules governing district court and appeals therefrom shall apply to a case or proceeding assigned pursuant to this section.

Subsection (b) is the part that requires all statutes and rules of the district court to apply to those cases assigned to a circuit court judge, thus they are really acting as a district court judge. Since circuit court judges do not have a reporter and the statutes and rules require a reporter, it may require the official court reporter to cover for multiple judges.

It is important that a discussion is had between you and your judge as to the best way to navigate this situation, keeping in mind that as far as civil matters go, Rule 904 of the Uniform Rules for District Courts still applies and states...

“Any party requesting the reporting of a particular matter by the official court reporter shall provide notice to the official court reporter at least three working days before the matter is set for hearing. The three-day notice requirements can be waived by the court. The notice is not required for juvenile and criminal matters.”

However, the three-day notice requirement can be waived by the district court judge, not the reporter. If a reporter is requested to report a matter without the three-day notice being given, they should refer the requesting party to the judge.

In cases where the reporter is required to travel, they may either travel with their judge or separately, depending on the judge's preference and budget constraints. Reporters are reimbursed for travel required by the court. The mileage rates for reimbursing state employees for use of personal vehicles upon state business is 57.5 cents a mile when no state vehicle is available and

37.5 cents a mile when the use of a personal vehicle is for the convenience of the employee. (Note: this is subject to change as determined by the State Auditor's Office). Travel rates are set based on the federal per diem rates and include mileage, lodging and meals. The State will not pay any expenses associated with a spouse accompanying a court reporter on state business.

The cost of transcripts prepared from assigned cases to your judge are absorbed by your district, and applied to the monthly invoice, which is approved by your judge and then submitted to the Supreme Court for payment. (See Section 11) You should follow this general practice unless otherwise advised by your judge. W.S. 7-1-101, W.S. 1-7-101 and W.S. 1-7-102 may apply if there is a change of venue in a case.

For a brief explanation regarding Mileage, etc., refer to Appendix C; and for current, complete information, refer to the following websites:

https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup/?action=perdiems_report&state=WY&fiscal_year=2021&zip=&city=

<https://ai.wyo.gov/for-state-employees/policies-procedures>

SECTION 22

Ethics of Wyoming Reporters

It should always be remembered, the actions of one reporter reflect on all reporters.

The official reporter is an employee of the state of Wyoming, directly employed by the judge. Because the reporter is an unbiased third-party, employed by the judge, during any hearings or trials, if one attorney requests a copy of portions of the proceedings, the reporter should advise the judge and ALL counsel/pro se litigants of the request. The reporter should give any requested portions to the judge (the “original”) and the requesting attorney would receive the “first” copy. Other counsel/pro se litigants would receive the “second” or subsequent copies. Payment for this expedited transcript should follow the guidelines in the Section 11, Transcript Fees, etc., of this manual.

Official Court Reporters shall not perform any freelance work. (See Rules Governing the Organization of the District Judges’ Conference Rule 111. Personnel (d) 3, December 2014.)

Mandatory criminal transcripts as defined by statute, rule, or as required by the judge are to be completed within 60 days. Among other reasons, these transcripts are prepared for the use of the judge in preparing for other proceedings in the case and placed in the original court file for access by interested parties to ensure the transparency of the court process. W.S. 5-3-404 reads in pertinent part: “The reporter shall, **within a reasonable time**, transcribe arraignment, plea, change of plea and sentencing hearings and file the transcript in the official court record.” If these transcripts are not filed within a reasonable time, they are not as useful and it would be improper to receive payment for them. Best practice would be, when possible, to complete these transcripts before the next scheduled hearing even when that hearing may be less than 60 days away.

All reporters should read, be aware of and follow the National Court Reporters Association COPE – Guidelines for Professional Practice. The COPE-Guidelines are found at: https://www.ncra.org/home/professionals_resources/NCRA-Code-of-Professional-Ethics/cope--guidelines-for-professional-practice

All reporters should read, be aware of and follow the National Court Reporters Association Code of Professional Ethics, which provide as follows:

1. Be fair and impartial toward each participant in all aspects of reported proceedings, and always offer to provide comparable services to all parties in a proceeding.
2. Be alert to situations that are conflicts of interest of that may give the appearance of a conflict of interest. If a conflict or a potential conflict arises, the Member shall disclose that conflict or potential conflict.
3. Guard against not only the fact but the appearance of impropriety.
4. Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the Member by any of the parties in a proceeding.
5. Be truthful and accurate when making public statements or when advertising the Member’s qualifications or the services provided.
6. Refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.

7. Determine fees independently, except when established by statute or court order, entering into no unlawful agreements with others with respect to fees to any user.
8. Refrain from giving, directly or indirectly, any gift or anything of value to attorneys or their staff, other clients or their staff, or any other persons or entities associated with any litigation, which exceeds \$150 in the aggregate per recipient each year. Nothing offered in exchange for future work is permissible, regardless of its value. Pro bono services as defined by the NCRA Guidelines for Professional Practice or by applicable state and local laws, rules and regulations are permissible in any amount.
9. Maintain the integrity of the reporting profession.
10. Abide by the NCRA Constitution & Bylaws and the Wyoming Professional Court Reporters Association (WPCRA) Constitution and Bylaws.

SECTION 23

Performance of Other Duties as Assigned

“The Success of Teamwork: Coming together is a beginning,
keeping together is progress, working together is success.”

-Henry Ford

The reporter’s duties are not strictly limited to the duties and job description outlined in Section 2 of this manual. W.S. 5-3-409 outlines “Duty as judge’s stenographer: Each official reporter appointed under the provision of this act, as court reporter, shall also be the stenographer of the judge of said court, and shall do and perform such stenographic labor for the judge of said court as of him or her may be required in his official capacity as judge.”

The four persons in each judge’s chambers – judge, judicial assistant, court reporter, and law clerk – work together as a team to perform all tasks necessary for the successful management of their dockets. This judicial team has specific tasks each performs which ensures the efficiency of each chambers. Sometimes that means that reporters may need to assist in other areas in addition to performing their reporting duties.

The judge will direct the law clerk and/or reporter on what his/her preferences are for coverage for the judicial assistant’s tasks in the event of his/her short absence. In the event of frequent or lengthy absences by the judicial assistant, an alternate plan may need to be developed to allow the reporter time to adequately perform his/her own duties and to meet deadlines.

Appendix A

2021 WYOMING OFFICIAL REPORTERS

With a population of 571,960, Wyoming has
23 Counties
9 Districts and
24 Official Court Reporters

First Judicial District, Laramie County, Cheyenne, Wyoming:

- 1A: *Merissa Racine* [Phone: (307) 633-4289]
(Judge Thomas T.C. Campbell)
- 1B: *Tammy Trowbridge Fleming* [Phone: (307) 633-4292]
(Judge Steven K. Sharpe)
- 1C: *Rose Terlesky* [Phone: (307) 633-4293]
(Judge Catherine R. Rogers)
- 1D: *Nicole Holden* [Phone: (307) 633-4297]
(Judge Peter H. Froelicher)

Second Judicial District includes two counties:

- 1. Albany County, Laramie, Wyoming:**
Regina "Gina" Chavez [Phone: (307) 721-5564]
(Judge Tori R.A. Kricken)
- 2. Carbon County, Rawlins, Wyoming:**
Tara France [Phone: (307) 328-2682]
(Judge Dawnessa A. Snyder)

Third Judicial District includes three counties and three reporters:

- 1. Lincoln County, Kemmerer, Wyoming
and Uinta County, Evanston, Wyoming:**
Jennifer Moio [Phone: Kemmerer, 877-2055; Evanston, 789-7002]
(Judge Joseph B. Bluemel)
- 2. Sweetwater County, Green River, Wyoming:**
Laura Hamm-Hills [Phone: (307) 872-3778]
(Judge Richard L. Lavery)
- Janet Loveless* [Phone: (307) 872-6426]
(Judge Suzanna G. Robinson)

Cont'd - Official Reporters

Fourth Judicial District includes two counties:

1. Sheridan County, Sheridan, Wyoming:

Rachael Pacheco [Phone: (307) 674-4478]
(Judge John G. Fenn)

2. Johnson County, Buffalo, Wyoming:

Jeff S. Eaton [Phone: (307) 425-5067]
(Judge William J. Edelman)

Fifth Judicial District, Big Horn County includes four counties and two reporters:

**1. Big Horn County, Basin, Wyoming,
Hot Springs County, Thermopolis, Wyoming
Washakie County, Worland, Wyoming**

Ranee Gonsalez [Phone: (307) 347-8820]
(Judge Bobbi D. Overfield)

2. Park County, Cody, Wyoming

Chris Morrow [Phone: (307) 527-8675]
(Judge William "Bill" Simpson)

**Sixth Judicial District has three reporters and includes
Campbell County, Gillette, Wyoming; Crook County, Sundance,
Wyoming; and Weston County, Newcastle, Wyoming:**

**1. *Michelle Cunningham* [Phone: (307) 687-6216]
(Judge John R. Perry)**

**2. *Pam McMahon* [Phone: (307) 687-6213]
(Judge Stuart S. Healy)**

**3. *Dianna Ewing* [Phone: (307) 687-6210]
(Judge Thomas W. Rumpke)**

**Seventh Judicial District, Natrona County, Casper,
Wyoming, has three reporters:**

**1. *Heidi Walling* [Phone: (307) 235-9482]
(Judge Catherine E. Wilking)**

**2. *Bobbette "Bobbi" Jasmann* [Phone: (307) 235-9255]
(Judge Daniel L. Forgey)**

**3. *Joni Chaney* [Phone: (307) 235-9257]
(Judge Kerri M. Johnson)**

Cont'd - Wyoming Official Reporters

Eighth Judicial District includes four counties and two reporters:

1. Converse County, Douglas, Wyoming,

**Niobrara County, Lusk, Wyoming (shared coverage), and
Platte County, Wheatland, Wyoming (shared coverage):**

Tricia Mutchler [Phone: (307)358-2558]

(Judge F. Scott Peasley)

2. Goshen County, Torrington, Wyoming,

and shared coverage of Niobrara and Platte Counties:

Michael S. Lucero [Phone: (307)532-3004]

(Judge Patrick W. Korell)

Ninth Judicial District includes three counties and three reporters:

1. Teton County, Jackson, Wyoming:

Lance Oviatt [Phone: (307)733-1461]

(Judge Timothy C. Day)

2. Fremont County, Lander, Wyoming:

Jennifer "Jenni" Glassburn [Phone: (307)332-4592]

(Judge Jason M. Conder)

3. Sublette County, Pinedale, Wyoming:

Andrea L. Reichle [Phone: (307)367-3801]

(Judge Marvin L. Tyler)

Appendix B, Billing Forms
Form 1, Mandatory Criminal Transcripts

This is only an example of the billing form for mandatory criminal transcripts. The Special Contracted Services (Court Reporter) for Criminal Transcripts per Wyoming §5-3-404 billing form as provided by the Supreme Court must be used and may be obtained at:
<https://www.courts.state.wy.us/wp-content/uploads/2017/06/CourtReporterInvoice.pdf>

The form is an Excel spreadsheet. Press “tab” to go to from field to field. When you fill in the “Rate”, the “Total” will automatically be entered. This shows the amount billed for each transcript. At the bottom, the “Page Total” will show the total pages billed and the “Total” field will contain the total amount billed for all the transcripts. Again, the reporter must download this form. This is only an example of what it looks like:

Special Contracted Services (Court Reporter) for Criminal Transcripts per
 Wyoming §5-3-404

Reporter: _____ District: _____

Case No.	Last Name/Type of Hearing	Date	Pages	Rate	Total
					\$
					\$
					\$
					\$
					\$
			Page Total		\$

I certify that the above transcripts were received by the court and are approved for payment per W.S. 5-3-407.

District Judge: _____ Date: _____

Note: In multiple defendant proceedings only bill for one original and the others at the statutory copy rate.

**Appendix B, Billing Forms
Form 2, Civil Billing Invoice**

Sample of Invoice to use in civil cases.

INVOICE

Veronica Verbatim, RPR
1234 Main Street
Beautiful, WY 82022
(307)555-5555
vverbatim@courts

Date: _____

Invoice No.: _____

Bill To:

Susan B. Anthony
Attorney at Law
1234 Main Street
Beautiful, WY 82022

Terms: _____ (e.g. 30 days)

Ship Date: _____

Ship Via: _____

Qty	Description	Rate	Amount
Thank you for your business.		Total	\$

Appendix C

Mileage, Lodging and M&IE

A state employee is reimbursed if there is a need to travel for their work. The mileage, lodging and M&IE forms are generally prepared by the judicial assistant and must be approved by the judge. The reporter must always have the approval of the judge before requesting mileage, lodging, and meals & incidentals. Following is a brief explanation of the current rates.

Mileage

The 2021 Mileage Rate is 57.5 cents a mile if a state vehicle is not available and a personal vehicle is used; and it is 37.5 cents a mile when the use of a personal vehicle is for the convenience of the employee.

Lodging

The 2021 - Lodging (Excluding Taxes) Standard Rate is \$96 per night for all locations without specific rates. The exceptions are: Cody, \$131; Jackson/Pinedale, \$151; Rock Springs, \$98.

Meals & Incidentals (M&IE)

The 2021 Meals & Incidentals (M&IE) Standard Rate is \$55 a day. This includes breakfast, lunch, dinner, and incidentals. Sometimes a meal amount is deducted from a trip voucher, e.g. if a meal is provided during a seminar.

The first and last day of travel are different. The amount received on the first and last day of travel equals 75% of the total M&IE. The standard first and last day of travel is \$41.25. The exceptions are: Cody, \$71; Jackson/Pinedale, \$76; Rock Springs, \$61.

NOTE: The above is only a brief explanation of these benefits. For complete, current information, go to the following websites:

<https://sao.wyo.gov/travel/>
https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup/?action=perdiems_report&state=WY&fiscal_year=2021&zip=&city=

Appendix D Federal Maximum Transcript Rates

	Original	First Copy to Each Party	Each Additional Copy to the Same Party
Ordinary Transcript (30 days) A transcript to be delivered within thirty (30) calendar days after receipt of an order.	\$3.65	\$.90	\$.60
14-Day Transcript A transcript to be delivered within fourteen (14) calendar days after receipt of an order.	\$4.25	\$.90	\$.60
Expedited Transcript (7 day) A transcript to be delivered within seven (7) calendar days after receipt of an order.	\$4.85	\$.90	\$.60
3-Day Transcript A transcript to be delivered within three (3) calendar days after receipt of an order.	\$5.45	\$1.05	\$.75
Daily Transcript A transcript to be delivered on the calendar day following receipt of the order (regardless of whether that calendar day is a weekend or holiday), prior to the normal opening hour of the clerk's office.	\$6.05	\$1.20	\$.90
Hourly Transcript A transcript of proceedings to be delivered within two (2) hours from receipt of the order.	\$7.25	\$1.20	\$.90
Realtime Transcript A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following receipt of the order.	One feed, \$3.05 per page; 2-4 feeds, \$2.10 per page; 5 or more feeds, \$1.50 per page.		

A realtime "feed" is the electronic data flow from the court reporter to the computer of each person or party ordering and receiving the realtime transcription in the courtroom.

Appendix E

Realtime Draft Disclaimer Forms

Following are suggestions for a Realtime Draft Translation Disclaimer. This disclaimer would be the first page(s) of the realtime transcript. It should be single spaced to emphasize it is not part of the proceedings but is an inclusion by the reporter.

UNCERTIFIED TRANSCRIPT DISCLAIMER IN THE MATTER OF (Plaintiff/State) v. (Defendant)

The following transcript(s) of proceedings, or any portion thereof, in the above entitled matter, taken on any date, is being delivered UNEDITED and UNCERTIFIED by the official court reporter at the request of *(Name(s) of counsel requesting)*. The purchaser agrees not to disclose this uncertified and unedited transcript in any form (written or electronic) to anyone who has no connection to this case. This is an unofficial transcript, which should not be relied upon for purposes of verbatim citation of testimony. This transcript has not been checked, proofread or corrected. It is a draft transcript, NOT a certified transcript. As such, it may contain computer-generated mistranslations of stenotype code or electronic untranslated stenotype symbols which cannot be deciphered by non-stenotypists. Corrections will be made in the preparation of the certified transcript resulting in differences in content, page and line numbers, punctuation and formatting. This realtime uncertified and unedited transcript contains no appearance page, certificate page, index or certification.

OR

REALTIME DRAFT TRANSLATION DISCLAIMER

The attached realtime unedited translation of proceedings or any portion thereof is being delivered **UNCERTIFIED** by the official court reporter in Judicial District **** at the request of counsel.

This service is provided to you with the understanding that you will not disclose this realtime unedited transcript in any form, written or electronic, to anyone who has no connection to this case.

This is an unofficial translation which shall NOT be relied upon for purposes of verbatim citation of the record. This realtime unedited translation shall not be filed with the Clerk of the Court to become a part of the official record or for any other purpose that required the certified transcript of a proceeding.

The realtime unedited translation has not been thoroughly proofread or corrected. It is a draft translation, NOT a certified transcript. As such, it may contain computer-generated

mistranslation of stenotype code or electronic transmission errors, resulting in inaccurate or nonsensical word combination, or untranslated stenotype symbols which cannot be deciphered by non-stenotypists. Corrections will be made in the preparation of the certified transcript, should one be ordered, resulting in differences in content, page and line numbers, punctuation, and formatting.

This realtime unedited transcript contains no certification page per National Court Reporters Association guidelines.

Counsel agrees to indemnify and hold harmless the realtime reporter if the unedited and uncertified version of this translation is cited in lieu of a certified transcript by any person and becomes a point of contention.

Reporter's Name
Official Court Reporter
email address

Appendix F, Title, Index, Exhibit Index, Certificate, Redaction, Witness Footers

Form 1, Title page and Volume page

Form 2, Index and Exhibit Indexes

Form 3, Certificate page

Form 4, Redaction, Witness Footer, Confidential/Redacted examples

There are 24 official reporters in the state of Wyoming and many variations on how to do the Title, Index, Exhibit Index, and Certificate pages. There is not a “right” way, as long as the page described contains the necessary information. Different examples of each page have been given.

IT SHOULD BE NOTED:

During the Covid pandemic, many hearings were heard via Teams Meeting. The reporter should note such on the Title page with a blurb so stating. The *(via Teams Meeting)* in each body is only a suggestion. The final Certificate indicates one way a reporter has modified their certificate page to include connection errors and parties speaking over one another.

Appendix F
Part 1, Title Page Examples

Title page suggestions. Some reporters use boxes on their pages; some, lines. Some reporters use line numbers on the title page; some do not. The Title page should include the following information on one page. In cases where the caption is lengthy, the appearances may appear on a second page.

Heading }

IN THE TENTH JUDICIAL DISTRICT COURT

IN AND FOR YELLOWSTONE COUNTY, WYOMING

Caption }

STATE OF WYOMING,)	Criminal No. 1234
Plaintiff,)	
-vs-)	
JOHN DOE,)	
Defendant.)	

Title }

ARRAIGNMENT

TRANSCRIPT OF PROCEEDINGS

Body }

BE IT REMEMBERED that on January 1, 2021, starting at 9:00 a.m., the above entitled and numbered cause came on for hearing (*via Teams Meeting*) before the Honorable Esther Hobart Morris, Judge of the Tenth Judicial District of Wyoming, in the District Courtroom of the Yellowstone County Courthouse, Beautiful, Wyoming.

APPEARANCES

Appearances }

For the State:	Ms. Susan B. Anthony Deputy County Attorney 1234 Main Street Beautiful, WY 82022
For the Defendant:	Mr. Edgar J. Herschler Senior Assistant Public Defender 5678 Main Street Beautiful, WY 82022

Optional }

Veronica Verbatim, RPR
1234 Main Street, Beautiful, WY 82022 (307)555-5555
CONFIDENTIAL (*OR REDACTED OR UNREDACTED*)

Footer Optional }

Appendix F, Part 1, Title Page, con't

NOTE: Optional - Some reporters place their name and address in the center of the box/lines at the bottom of their title page. Some reporters who use a box format, place their name on every page of the transcript.

Following are different examples for each portion of a title page.

The Heading is usually double spaced and centered.

IN THE DISTRICT COURT OF YELLOWSTONE COUNTY, WYOMING

TENTH JUDICIAL DISTRICT

OR

IN THE DISTRICT COURT OF THE TENTH JUDICIAL DISTRICT

COUNTY OF YELLOWSTONE, STATE OF WYOMING

Criminal No. 1234

NOTE: Some reporters include the case number in the heading as shown above or in the caption as shown below.

The Caption should always include the parties as listed in the court file. If there are multiple parties, the caption is always single spaced; and it necessitates the appearances to appear on a separate page. For example, in a civil matter:

JOHN SMITH, JANE JONES, and)	Civil No. 5678
ALICE JOHNSON,)	
)	
Plaintiffs,)	
)	
-vs-)	
)	
YELLOWSTONE COUNTY SCHOOL)	
DISTRICT NO. 1,)	
)	
Defendant.)	

Appendix F, Part 1, Title Page, con't

In a guardianship, the caption may read:

IN THE MATTER OF THE GUARDIANSHIP)
OF THE PERSON OF:)
)
JANE SMITH,)
)
A minor child.)

In divorce matters, the parties may be referred to as the Petitioner and Respondent or as Plaintiff/Petitioner and Defendant/Respondent. Again, the case file should be consulted.

JOHN SMITH,)
)
Plaintiff/Petitioner,)
)
-vs-)
)
JANE SMITH,)
)
Defendant/Respondent.)

The Title contains the name of the hearing and is normally centered. It can be bold and underlined as in the second example. It can be single or double spaced. In criminal cases, it may be identified as an Arraignment; Arraignment and Admission; Arraignment and Bond Hearing; Change of Plea; Sentencing; Probation Revocation Hearing; Motions Hearing; etc.. In civil cases, it may be Bench Trial; Divorce Proceedings or Hearing; Hearing on Plaintiff's Motion to Vacate Hearing; etc. Some reporters include the day, time, and date in the Title instead of in the Body. Some examples:

TRANSCRIPT OF DIVORCE PROCEEDINGS
Monday, 9:00 a.m. to 5:00 p.m.
April 1, 2021

OR

TRANSCRIPT OF PROCEEDINGS
DIVORCE PROCEEDINGS

The Body contains the name of the judge who heard the hearing, where the hearing was held, the time and date. The Body may be single or double spaced. NOTE: The additional language such as via Teams Meeting can be added. Some examples:

Appendix F, Part 1, Title Page, con't

Proceedings before the Honorable Esther Hobart Morris, a Judge of the Tenth Judicial District, (*via Teams Meeting*) at the Yellowstone County District Courthouse, Beautiful, Wyoming. (*Note: In this example, the date and time are included in the Title.*)

OR

On April 1, 2021, the above-entitled matter came on for hearing (*via Teams Meeting*) in the courtroom of the Yellowstone County Courthouse, Beautiful, Wyoming, commencing at 9:00 a.m.; said proceedings having been heard by the Honorable Esther Hobart Morris, District Court Judge.

OR

Yellowstone County Courthouse
1234 Main Street
Beautiful, WY 82022
Monday – 9:00 a.m.
April 1, 2021

HONORABLE ESTHER HOBART MORRIS, PRESIDING JUDGE

Appearances contains the attorneys' information (or a party if they are pro se). Examples:

Ms. Susan B. Anthony, Yellowstone County Deputy Prosecuting Attorney, appearing on behalf of the State. (*OR in a civil case, Ms. Susan B. Anthony, Mead & Hathaway, 4321 Main Street, Beautiful, Wyoming 82022*)

Mr. Edgar J. Herschler, Senior Assistant Public Defender, Beautiful, Wyoming, appearing on behalf of the Defendant. (*OR in a civil case, Mr. Edgar J. Herschler, Attorney at Law, 5678 Main Street, Beautiful, Wyoming 82022*)

Other Appearances: Tom Horn, Jr., Probation Agent.

OR

Appearing on behalf of the State was Susan B. Anthony, Deputy County Attorney for Yellowstone County, Beautiful, Wyoming.

Appearing on behalf of the Defendant was Edgar J. Herschler, Senior Assistant Wyoming Public Defender, Beautiful, Wyoming.

In some cases, there may be a guardian ad litem. The GAL's name should also appear in the Appearances on the Title page.

Appendix F, Part 1, Title Page, con't

Confidential stamp/footer, Notice of Redacted or Unredacted. *Some reporters use a “Confidential” stamp on their Title page (and Volume page if used). If you use a stamp, the Title page of every copy of the transcript should also contain the “Confidential” stamp. Some reporters place a “footer” on the bottom of the Title page indicating the transcript is confidential. Please refer to the Footer section for examples.*

Volume page: *In lengthy bench or jury trials, the reporter may have more than one transcript. Some reporters place each day in one transcript and indicate it on their title page. Some reporters will put 200 to 250 pages in each volume, separating a day.*

An example of the title page where a reporter includes an entire day in the transcript, the first day of the trial may read as follows:

TRANSCRIPT OF JURY TRIAL
Monday, 9:00 a.m. to 5:00 p.m.
April 1, 2021

The day/time/date on the title page on the second, third, etc. days of the trial changes, e.g.:

TRANSCRIPT OF JURY TRIAL
Tuesday, 9:00 a.m. to 3:30 p.m.
April 2, 2021

Some reporters will use a “cover” volume page such as (double spacing omitted):

**JURY TRIAL
VOLUME I
(of three Volumes)**

VOLUME I contains the April 1, 2021. (*day of the Jury Trial*)
VOLUME II contains the April 2, 2021. (*day of the Jury Trial*)
VOLUME III contains the Exhibits

(In the above example, a word index is included at the end of the transcript for each day.)

OR *if one day of the trial was 275 pages and the second day 103 pages, the reporter may “split” the days so there is 200-250 pages in a Volume as follows:*

VOLUME I contains pages 1 – 200
VOLUME II contains pages 201 – 378 and Word Index
VOLUME III contains the Exhibits

If a reporter “splits” a day, each volume should contain a copy of the Title, Index and Exhibit Index pages. It is recommended the reporter include a Certificate at the end of each volume indicating the pages contained therein, e.g. “containing pages 1-200 of 378 pages”. The word index is the entire transcript.

Appendix F

Part 2, Index and Exhibit Index pages Examples

Index page example. Most index pages are single spaced and are more than one page. Some reporters use line numbers on the index page; some do not. Some reporters use a footer at the bottom of the page. Please refer to the footer section for examples.

INDEX

	<u>PAGE</u>
Voir Dire Examination by Ms. Anthony	30
Voir Dire Examination by Mr. Herschler	75
Opening Statement by Ms. Anthony	100
Opening Statement by Mr. Herschler	120

INDEX TO WITNESSES

FOR THE STATE:

PAGE

MILLWARD SIMPSON

Direct Examination by Ms. Anthony	130
Cross-Examination by Mr. Herschler	140
Redirect Examination by Ms. Anthony	150

CLIFFORD HANSEN

Direct Examination by Ms. Anthony	160
Cross-Examination by Mr. Herschler	170
<i>(**List all Witnesses as above. Note, there was not a Redirect of Mr. Hansen.)</i>	

State Rests	175
-------------	-----

Defense Motion by Mr. Herschler	180
Response by Ms. Anthony	185
Rebuttal by Mr. Herschler	190
The Court	200

FOR THE DEFENDANT:

STANLEY HATHAWAY

Direct Examination by Mr. Herschler	190
Cross-Examination by Ms. Anthony	200
Redirect Examination by Mr. Herschler	210

Defense Rests	220
---------------	-----

Jury Instruction Conference	230
-----------------------------	-----

Closing Argument by Ms. Anthony	240
Closing Argument by Mr. Herschler	250
Rebuttal Argument by Ms. Anthony	260

Verdict	270
---------	-----

OR

INDEX

Voir Dire

By Ms. Anthony.....	27
By Mr. Herschler.....	35

Opening Statement

By Ms. Anthony.....	100
By Mr. Herschler.....	101

State's Witnesses:

MILWARD SIMPSON

Direct Examination.....	110
-------------------------	-----

**Con't as shown in 1st example*

*Following is an example of the **Exhibit Index** page. Most exhibit index pages are double spaced between the exhibits but single spaced for one exhibit and may be on more than one page. Some reporters use line numbers on the Index page, some do not.*

INDEX TO EXHIBITS

<u>FOR THE STATE:</u> <i>(OR STATE'S EXHIBIT NO.:)</i>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
	<i>(OR OFFERED)</i>	
100 - Photo: Vehicle at Scene	99	100
101 - 1 Fired 9mm Casing, Front Driver's Seat	109	110
<i>**Continue to List Exhibits**</i>		
<u>FOR THE DEFENDANT:</u>		
<i>(OR DEFENDANT'S EXHIBIT NO.:)</i>		
A - 4/1/2021 email from Doe to Jones	200	200
<i>**Continue to List Exhibits**</i>		

NOTE: Some reporters do not include "Identified" in their exhibit index. Others may include the Volume the exhibit is located in. For example:

Appendix F, Part 2, Index and Exhibit Index pages, con't

EXHIBIT INDEX	PAGE	VOL.
SX 100 - Photo: Vehicle at Scene		
Offered	299	II
Admitted	300	II
<i>**Continue to List Exhibits**</i>		
DX A - 4/1/2021 email from Doe to Jones	500	III
<i>**Continue to List Exhibits**</i>		

NOTE: In this example "SX" stands for State's Exhibit and "DX" stands for Defendant's Exhibit.

Each new page of an exhibit index should contain identifying information. For example:

CON'T STATE'S EXHIBITS	<u>IDENTIFIED</u>	<u>RECEIVED</u>
------------------------	-------------------	-----------------

Some reporters place "INDEX" or "EXHIBIT INDEX" as a footer. Some reporters will number their index and exhibit pages with "i", "ii", "iii", etc.

If there is more than one volume, the reporter should place a copy of the index and exhibit Index in each volume.

Appendix F
Part 3, Certificate Page Examples

The Certificate Page is on a line numbered page and is normally double spaced. The title is centered on the page, may be underlined or in bold and vary as follows:

CERTIFICATE OF REPORTER
CERTIFICATE OF COURT REPORTER
C E R T I F I C A T E
REPORTER'S AFFIDAVIT
REPORTER'S CERTIFICATE

Some reporters include the following under the title:

State of Wyoming)
) (*OR use a : instead of*))
County of Yellowstone)

The body of the Certificate may vary. Following are several examples.

I, Veronica Verbatim, Official Court Reporter in and for the State of Wyoming, the officer before whom the foregoing proceedings were taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to computer-aided transcription under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Dated this 1st day of April, 2021.

OR

I, Veronica Verbatim, Registered Professional Reporter (**OR Registered Diplomat Reporter OR Registered Merit Reporter**), hereby certify that I did report the proceedings had before the HONORABLE ESTHER HOBART MORRIS, District Court Judge presiding; that said testimony and proceedings were reported in stenotype by me; that the foregoing pages, numbered 1-15, inclusive, constitute a true, correct, and complete transcript of my stenographic notes as reduced to print by means of computer-aided transcription.

I further certify that I am not related to any party herein or their counsel and have no interest in the result of this litigation.

Dated April 1, 2021.

OR

I, Veronica Verbatim, Official Court Reporter within and for the Tenth Judicial District Court of Wyoming, do hereby certify that I reported by machine shorthand the proceedings contained herein and that the foregoing 15 pages constitute a full, true, and correct transcript.

Dated this 1st day of April, 2021, at Beautiful, Wyoming.

Appendix F, Part 3, Certificate page con't

The signature line is indented and usually may begin in the center of the page. If the reporter lists more than his/her name, it is single spaced. Some reporters only use line 1; some, lines 1 & 2; some, the address; and some add a phone number and/or email address.

Address optional

*Phone & email
optional*

Veronica Verbatim (*RPR OR Official Reporter*)
Official Court Reporter
1234 Main Street
Beautiful, WY 82022
Phone: 1-307-555-5555
Email: vverbatim@courts.etc.

NOTE: *Following is the language one reporter used in his/her certificate during Covid 19.*

I, Veronica Verbatim, do hereby certify that I am a Certified Shorthand Reporter, and the Reporter who served as the Official Court Reporter of the proceedings held by Microsoft Teams Videoconference, and as such, the transcript of the proceedings is not certified to be verbatim due to connection errors and parties speaking over one another. Said proceedings were reported by me to the best of my knowledge and ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of April, 2021.

Appendix F

Part 4, Redaction, Footer, Confidential/Redacted examples

The five personal data identifiers which may be redacted are: Social Security numbers; names of minor children; dates of birth – all individuals; financial account numbers; and victim addresses. NOTE: Counsel is responsible to notify the reporter about these redactions. Some counsel will ask the reporter to redact other items. That is not allowed unless there is a court order ordering the reporter to make a redaction.

Footers contain the witness' name, the name of counsel examining, and the type of examination. If a reporter uses a "box" border-lined transcript page, the reporter may place this information centered between the border lines on the page, below the bottom border line. Some reporters use a one- or two-lined border on the left and a one-lined border on the right. They may also center the information or they may place it on the right-hand side of the page.

Following is a pretend page from a transcript illustrating redactions.

(Page) 11

- 1 Q. What are the names and ages of your children?
2 A. James is 13. He was born on April 1, 2008. And Alice is 18. She was
born on April 1, 2005.
3 Redacted: J [REDACTED] is 13. He was born on [REDACTED], 2008. And Alice
is 18. She was born on [REDACTED], 2008.
NOTE: She is an adult, so her age is not redacted.
4 Q. Do your children have a bank account?
5 A. Yes. Alice does.
6 Q. What is the bank and type of account that she has?
7 A. She has a savings account with First Bank.
8 Q. What is the account number?
9 A. Her savings account number is 987654321.
Redacted: Her savings account number is [REDACTED] 4321.
10 Q. And does she have a Social Security number?
11 A. Yes, she does. It's 123-45-6789.
Redacted: Yes, she does. It's [REDACTED]-6789. [OR [REDACTED]-[REDACTED]-4321.]
12 Q. On the day you were threatened with the gun, where were you?
13 A. I was at home.
14 Q. What is your address?
15 A. 456 Center.
Redacted: [REDACTED] [REDACTED]. (Victim's address – Att. may not ask to redact)
16 Q. What county is your home in?
17 A. My home is in Yellowstone County.
18 Q. And in what state?
19 A. In Wyoming.
20 Q. And I forgot to ask, what city is your home in?
21 A. It's here in Beautiful.
Redacted: It's here in [REDACTED]. (Vic's address – Att. may not ask to redact)
22 Q. Was there anyone at home when Mr. Smith entered it?
23 A. James and his friend, Scott, were in the basement, watching T.V.
Redacted: J [REDACTED] and his friend, S [REDACTED], were in the basement,
watching T.V.
24 Q. What did he take from your home?
25 A. He took my daughter's savings account book.

^ The line above represents the bottom line of a boxed transcript

Appendix G
Appeal Certification Examples

Following are several examples. A transcript page containing a border may be used.

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF _____

STATE/PLAINTIFF,)	Criminal/Civil No. _____
)	
Plaintiff,)	
)	
-vs-)	
)	
DEFENDANT,)	
)	
Defendant.)	

. NOTICE OF COMPLETION OF TRANSCRIPT
[TYPE OF PROCEEDING]

NOTICE IS HEREBY GIVEN that all transcripts of proceedings in Case No. _____, namely, TRANSCRIPTS OF PROCEEDINGS: (List hearings, e.g. Arraignment, 1/1/21; Jury Trial Vols. I-V, 3/1-5/21, etc.), have been filed with the Clerk of the District Court.

Date: April 1, 2021.

(Reporter's name)
Official Court Reporter for
Honorable _____
Optional – email address

(Reporter's *Email address*)

SERVICE OF NOTIFICATION _____

cc: [ATTORNEY 1] _____
[ATTORNEY 2] _____

*Distribution Method: B = Clerk's box; F = fax; M = postal mail; E = email; S = Sheriff;
P = Personal delivery*

OR

REPORTER'S CERTIFICATE OF COMPLETION

BE ADVISED that the following hearing(s) was/were reported in the above entitled matter: **ADD TRANSCRIPTS PREPARED.**

Pursuant to Rule 2.06 of the Wyoming Supreme Court Appeals Rules, effective July 1, 2015, this Certificate notices the Clerk of the Wyoming Supreme Court and Counsel or parties of record that said filing of this Certificate has been made in the trial court; and that copies of this Certificate have been mailed or hand delivered on this date to the Clerk of the Supreme Court and all Counsel or parties of record.

Counsel or the parties should immediately advise the Reporter if any additional hearings were reported which should be transcribed.

Dated this _____ day of _____, 20____.

NAME

Official Court Reporter

Third Judicial District, State of Wyoming

cc: Plaintiff/State attorney
Defendant attorney
Clerk of District Court
Clerk of the Supreme Court

There are various ways to list the copies to the parties. Two additional examples

cc: "Name", Clerk of WY Supreme Court; "Name" (Name) County Clerk of District Court; State/Plaintiff attorney, Defendant attorney

OR

cc: ___*___ Clerk of the Wyoming Supreme Court
___*___ Clerk of the District Court
___*___ Attorney 1 (e.g. WY Attorney General in Criminal case – may also give copy to County/District Attorney's office; Plaintiff's attorney in a Civil case.)
___*___ Attorney 2 (e.g. WY Public Defender's office in Criminal Case; Defendant's attorney in a Civil case.)

*Distribution Method: B = Clerk's box; E = email; M = postal mail; P = Personal delivery

Appendix H Exhibit Receipt Form

By using a Word table, this can become a multi-page document. Tab to fill in the information. When you reach the last row, continue tabbing and a new row will appear.

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT

IN AND FOR THE COUNTY OF _____

STATE/PLAINTIFF,)	Criminal/Civil No. _____
Plaintiff,)	
-vs-)	
)	
DEFENDANT,)	
Defendant.)	

EXHIBIT RECEIPT

Pursuant to Rule 903 of the Uniform Rules for District Courts, the parties agree that the following physical exhibits have been returned to the party that offered the exhibit(s). The party receiving the exhibit shall be responsible for safekeeping the exhibit until the time to appeal has expired or any appeal taken has concluded. *See* U.R.D.C. 903.

Ex. No.	Description	Returned to	Notes

Attorney for Plaintiff/State

Attorney for Defendant

Received by (e.g. Sheriff/Police/DCI)

Witnessed by Court/Court Reporter

Appendix I, Redaction Forms
Example 1, Civil Redaction Form

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT

IN AND FOR THE COUNTY OF _____

_____)	Civil No. _____
)	
Plaintiff,)	
)	
-vs-)	
)	
_____)	
)	
Defendant.)	

NOTICE OF FILING OF TRANSCRIPT

Pursuant to Rule 8 of the Wyoming Rules Governing Redactions from Court Records, Notice is hereby given that the Transcript of the (e.g. Court’s Ruling or Bench Trial, etc.) held on _____, 20____, has been completed and filed with the _____ County Clerk of the District Court.

Dated this _____ day of _____, 20_____.

NAME
Official Court Reporter
_____ Judicial District, State of Wyoming
Address &, optional, email address

cc: * _____ Plaintiff’s Attorney’s name
 * _____ Defendant’s Attorney’s name
 _____ Clerk of the District Court (OR - Court file)

(*E=email; P=hand delivered; M=mailed)

Appendix I
Example 3, Either Civil or Criminal

The following language may be used as the body of a notice of redaction in either a criminal or civil case.

NOTICE OF COMPLETION OF TRANSCRIPT
[TYPE OF PROCEEDING]

The transcript of the proceedings held in the above-named case has been completed and delivered to the Clerk of the District Court for filing. If you desire to review the transcript for any redactions pursuant to Wyoming Supreme Court Rules Governing Redactions from Court Records, Rule 8, the transcript is available at the office of the Clerk of the District Court. If you desire to request any redactions, please contact the Court in accordance with the requirements and procedures contained in Rule 8.

NOTE: Examples of types of hearings in criminal matters are: DCA=district court arraignment (or ARR=arraignment); DCA/PLEA=district court change of plea (or A/AD=arraignment and admission); SCH DCA=scheduling district court arraignment; COP=change of plea; SEN=sentencing; PR=probation revocation hearing; SCH DCA=scheduling district court arraignment; SCH SEN=scheduling sentencing hearing; MO=motions hearing.

In Form 2, the reporter may use the same abbreviations as used on the Court Reporter Invoice for the mandatory criminal transcripts.

Appendix J
Substitute Reporter Form

SERVICE CONTRACT

Due to the vacation/sick leave of the Official Court Reporter, _____,
Judicial District ____ will need to hire a freelance reporter to cover the court's docket on its calendar
from _____ to _____ for _____ (and)
_____ County(ies).

There are no freelance reporters located in _____, Wyoming. The following
freelance reporter will be substituting:

(Print Business Name)

(Freelance Reporter's Name)

(Address)

(City/State/Zip Code)

(Phone Number)

The freelance reporter will be reimbursed from the Court's budget, Series 901.06, as
follows:

- Sitting fee - \$_____ full day; \$_____ half day
- \$3.25 per page for transcribed criminal proceedings
- \$1.25 per page for each additional copy
- (Page rates per WY Statutes 5-3-407 and 5-3-407)
- Mileage - \$_____ (IRS rate or as per WY In-State Travel guidelines)
- (Optional: Motel expenses, \$_____ per day)

DATED: _____

By: _____ By: _____
_____(Name)_____(Freelancer's Name)
Judicial Assistant

Appendix K

Frequently Used Websites and Email Addresses

Websites

Supreme Court Website - www.courts.state.wy.us/supreme-court

Supreme Court Opinions - <https://www.courts.state.wy.us/opinions/>

(The reporter may use this cite to check quotes in Wyoming court cases)

Reporter's mandatory criminal transcript billing form:

<https://www.courts.state.wy.us/wpcontent/uploads/2017/06/CourtReporterInvoice.pdf>

WY Professional Court Reporters Association (WPCRA) Website: www.wpcra.org

National Court Reporters Association (NCRA): www.ncra.org

NCRA COPE guidelines: https://www.ncra.org/home/professionals_resources/NCRA-Code-of-Professional-Ethics/cope---guidelines-for-professional-practice

WY State travel and policies information:

<https://sao.wyo.gov/travel/>

https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup/?action=perdiems_report&state=WY&fiscal_year=2021&zip=&city=

<https://ai.wyo.gov/for-state-employees/policies-procedures>

WY Notary information: <https://sos.wyo.gov/Services/NotariesOverview.aspx>

Facebook – Wyoming Professional Court Reporters Association

Email Addresses

Outlook email address to all Official Reporters: DistrictCourtReporters@courts.state.wy.us

Court Technology (IT), questions re. internet problems: helpdesk@courts.state.wy.us

Send mandatory criminal transcript bills to: hr@courts.state.wy.us

Send appeal transcripts to WY Supreme Court: tscripts@courts.state.wy.us

Send criminal appeal transcripts to Public Defender's office:

kirk.morgan@wyo.gov and carly.rando@wyo.gov.

WY Supreme Court Human Resources, Brenda Reedy: BReedy@courts.state.wy.us

Appendix L

Wyoming Terms/Acronyms/Commonly Heard Terms/Agencies

Wyoming District Court Judges and Reporters

Refer to Appendix A

Wyoming Supreme Court Justices

Honorable Michael Davis, Chief Justice; Honorable Catherine M. Fox; Honorable Keith G. Kautz; Honorable Lynnette J. Boomgarden; Honorable Kari Jo Gray. (Shawna Goetz, Clerk of the Supreme Court)

Wyoming Counties and County Seats

Albany (Laramie); Big Horn (Basin); Campbell (Gillette); Carbon (Rawlins); Converse (Douglas); Crook (Sundance); Fremont (Lander); Goshen (Torrington); Hot Springs (Thermopolis); Johnson (Buffalo); Laramie (Cheyenne); Lincoln (Kemmerer); Natrona (Casper); Niobrara (Lusk); Park (Cody); Platte (Wheatland); Sheridan (Sheridan); Sublette (Pinedale); Sweetwater (Green River); Teton (Jackson); Uinta (Evanston); Washakie (Worland); Weston (Newcastle).

Wyoming Cities/Towns (Check your area – not all towns included)

Afton, Alpine, Arlington, Arvada, Baggs, Bairoil, Bar Nunn, Beulah, Big Horn, Big Piney, Bill, Bondurant, Bosler, Buffalo, Burns, Byron, Casper, Centennial, Cheyenne, Chugwater, Cody, Cokeville, Creston Junction, Devils Tower, Douglas, Dubois, Edgerton, Elk Mountain, Encampment, Evanston, Evansville, Fort Washakie, Frannie, Gillette, Glendo, Glenrock, Granger, Green River, Greybull, Guernsey, Hanna, Hartville, Hudson, Hulett, Jackson, Jeffrey City, Kaycee, Kemmerer, La Grange, Lander, Laramie, Lingle, Lovell, Lusk, Lyman, Medicine Bow, Meeteetse, Midwest, Mills, Moorcroft, Mountain View, Newcastle, Opal, Pavillion, Pine Bluffs, Pinedale, Pine Haven, Powell, Ranchester, Rawlins, Riverside, Riverton, Rock River, Rock Springs, Rolling Hills, Saratoga, Sheridan, Shoshoni, Sinclair, Sundance, Ten Sleep, Thermopolis, Torrington, Upton, Wamsutter, Washakie, Weston, Wheatland, Worland, Wright, Yoder

Current State Government Officials & Interstates

U.S. Senator John Barrasso; U.S. Senator Michael Enzi; U.S. Representative Liz Chaney; Governor Mark Gordon; Secretary of State Edward Buchanan; State Auditor Kristi Racines; State Treasurer Curt Meier; Department of Education, Jillian Balow.
Interstate I-80; Interstate I-25; Interstate I-90.

Departments, Facilities, and their Acronyms Commonly Referred to:

Adult Community Corrections (ACC); Cathedral Home for Children; Cheyenne Transitional Center (CTC); Coastal Harbor; Cornerstone; Department of Corrections (DOC); Department of Criminal Investigation (DCI); Department of Family Services (DFS); Department of Probation and Parole OR Probation and Parole (P&P); Division of Field Services; Normative Services, Inc. (NSI); Peak Wellness Center; Southeast Wyoming Juvenile Center (SWJC); St. Joseph's (also referred to as St. Joe's) Children Home; Volunteers of America (VOA); Wyoming Behavioral Institute (WBI); Wyoming Boys School; Wyoming Girls School; Wyoming Parole Board; Wyoming State Crime Lab; Wyoming State Hospital; Wyoming State Penitentiary

Citations

Wyoming Statute (W.S.); Wyoming Reporter (Wyo.); Pacific Reporter (P.); Pacific Reporter, second series (P.2d); Pacific Reporter, third series (P.3d); Federal Reporter (F.); Federal Reporter, second series (F.2d); Federal Reporter, third series (F.3d); Federal Supplement (F.Supp.); Federal Supplement, second series (F.Supp.2d); Federal Supplement, third series (F.Supp.3d); Supreme Court Reporter (S.Ct.); Westlaw; Lexis. An example of a Pacific Reporter Third cite: 73 P.3d 1041 (Wyo. 2003). 73 is the Pacific Reporter volume number; P.3d is the series of the Pacific Reporter; 1041 is the page number where the case begins; (Wyo. 2003) is the reference to Wyoming Reporter.

Colleges

University of Wyoming (Laramie); Casper College (Casper); Central Wyoming College (Riverton); Eastern Wyoming College (Torrington); Gillette College (Gillette); Laramie County Community College (Cheyenne); Northwest College (Powell); Sheridan College (Sheridan); Western Wyoming Community College (Rock Springs); Wyoming Catholic College (Lander); Wyoming Technical Institute, also called WyoTech (Laramie); Wind River Tribal College (Fort Washakie)

A Few Common Terms

(City) Police Department; (Name of County) County Sheriff's Department; (Name of County) County School District No. 1, etc.; Drug Court OR DUI Court; Addicted Offender Accountability Act; *Alford* plea; Crime Victims Compensation Fund; First Offender Statute, 7-13-301 deferral; nolo contendere; nunc pro tunc; in forma pauperis; subpoena Child in Need of Supervision (CHINS); Family reunification; Multidisciplinary Team (MDT; parental rights; termination of parental rights; PRTF facilities for juveniles – psychiatric residential treatment facility; APPLA – Another Planned Permanent Living Arrangement; the YES House; (check your area for juvenile group home names); JA – Judicial Assistant; Casper Star Tribune; Cheyenne Tribune; Jonah Field; Buffalo Bill Because of the volume of hospitals, check your area as these will be most commonly used by you.

A Few Places & Rivers

Absaroka Range; Black Hills; Devil's Tower; Grand Tetons OR the Tetons; Old Faithful; Moran Junction; Jackson Hole; Yellowstone National Park; Mammoth Springs; Pumpkins Buttes; Teton National Forest; Green River; Little Big Horn River; North and South Platte Rivers; Snake River; Popo Agie (Puh-Po-Shuh);

Appendix M

WY Statutes and Rules regarding Official Court Reporters

This version of the Wyoming Statutes contains changes from the 2020 Budget Session and reflects the contents of the statutes as they exist as of July 1, 2020.

TITLE 5, COURTS ARTICLE 4, REPORTER

5-3-401. Office created; appointment; term. The office of official court reporter for each judge of each judicial district in the state of Wyoming is hereby created and each judge of each judicial district in the state of Wyoming is hereby required and empowered to appoint one (1) court reporter for his district, whose term of office shall be during the pleasure of the judge making such appointment and until their successor is appointed and qualified. 5-3-402. Repealed By Laws 2008, Ch. 27, § 2.

5-3-403. Duties generally; oath; furnishing transcripts. Such reporter shall be in constant attendance upon the judge of said court at all times, and shall be the clerk and stenographer of the judge, and he shall be sworn to the faithful performance of his duty, and take the oath of office required in the constitution of this state, and shall remain in attendance on the court, and take full stenographic notes in cases tried during said attendance, of all testimony or admissions made by either side, objections to the introduction of testimony, the ruling of the court thereon, the exceptions taken thereto, and such other proceedings as the court may direct, and shall preserve such stenographic notes and furnish a transcript thereof, or of any part of same, upon the request of any party having an interest therein, provided, however, that if no request for such transcript shall be made to the court reporter for a period of ten (10) years subsequent to the hearing of any cause wherein stenographic records have been taken, the said court reporter may destroy his original stenographic records, and, provided, further, however, that if a transcript shall be furnished any party as provided herein, then and in that event, the court reporter may destroy his original stenographic records within a period of ten (10) years from and after the furnishing of said transcript to the party or parties ordering same.

Following is the oath referred to in the above statute: Wyoming Constitution Article 6, Sec. 20. *Oath of office; form. Senators and representatives and all judicial, state and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States, and the constitution of the state of Wyoming; that I have not knowingly violated any law related to my election or appointment, or caused it to be done by others; and that I will discharge the duties of my office with fidelity." This section was amended by a resolution adopted by the 2007 legislature, ratified by a vote of the people at the general election held on November 4, 2008, and proclaimed in effect on November 12, 2008.*

Wyoming Constitution Article 6, Sec. 21. *Oath of office; how administered. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of state officers and judges of the supreme court shall be filed in the office of the secretary of state, and in the case of other judicial and county officers in the office of the clerk of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this state. The oath to members of the senate and house of representatives shall be administered by one of the judges of the supreme court or a justice of the peace, in the hall of the house to which the members shall be elected.*

5-3-404. Criminal cases; reporting and transcript of proceedings. The court reporter for criminal cases prosecuted in the district court shall report all testimony and all proceedings held in open court, except informal discussions, informal instruction conferences and pretrial conferences which shall be reported when requested by a party. The reporter shall, within a reasonable time, transcribe arraignment, plea, change of plea and sentencing hearings and file the transcript in the official court record.

5-3-405. Criminal cases; post-conviction proceedings. In any case arising as a post conviction relief proceeding, W.S. 7-14-101 through 7-14-108, in which the presiding judge has determined that the post conviction petition is sufficient to require an answer, the court reporter shall transcribe the record of the criminal proceeding in which the petitioner was convicted in full unless the court shall, by written order, determine that portions of the record are not required or material for decision in the proceeding. Additionally, the court reporter shall record evidentiary proceedings conducted under this section and shall transcribe that record if an appeal is taken.

5-3-406. Criminal cases; original and copy of transcript to be furnished when required by order. The official court reporter shall transcribe and furnish an original and copy of the proceedings at the trial of any person sentenced to any imprisonment where an order is or has been entered so requiring.

5-3-407. Criminal cases; payment of fees; form and contents of certificate. The reporter shall be paid in full for all his services in connection with the transcribing and filing or furnishing the transcripts referred to in this act, the same fee for the transcribing, filing, and furnishing of transcripts as provided in W.S. 5-3-410. All such fees shall be paid out of the state treasury on the warrant of the state auditor from appropriations made for such purpose, upon presentation of a certificate signed by the presiding judge setting the amount due said reporter. Such certificate shall as to each original transcript, and copy where fee for copy is authorized, set forth the title and number of the cause in which the transcript was required to be furnished, the nature of the proceedings transcribed, whether an arraignment, proceedings at criminal trial or proceedings at post conviction hearing, and the fee approved therefor. The state auditor may prescribe the form of the certificate and furnish same.

5-3-408. Bond. Each official reporter, appointed as aforesaid, shall give a bond to the state of Wyoming, with sufficient sureties, to be approved by the judge of the district court of such district, and filed with the secretary of state, in the sum of one thousand dollars (\$1,000.00), conditioned for the faithful and efficient performance of the duties of said office.

5-3-409. Duty as judge's stenographer. Each official reporter appointed under the provisions of this act, as court reporter, shall also be the stenographer of the judge of said court, and shall do and perform such stenographic labor for the judge of said court as of him or her may be required in his official capacity as judge.

5-3-410. Fees for civil cases; collection; to be paid into state treasury; liability of reporter for collection. (a) Repealed By Laws 2014, Ch. 18, § 1. (b) Repealed By Laws 2014, Ch. 18, § 1. (c) Repealed By Laws 2014, Ch. 18, § 1. (d) Repealed By Laws 2014, Ch. 18, § 1. (e) The reporter may charge three dollars and twenty-five cents (\$3.25) per page of twenty-five (25) lines, for all transcripts, records and other papers required to be made and issued as the official reporter. 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 or upon delivery.

5-3-411. Salary. Each official district court reporter in this state shall be paid annual salaries as provided by law, payable in equal monthly installments upon warrant of the state auditor upon the state treasurer.

5-3-412. Substitute during absence or disability. In case of sickness or if said official court reporter be unable to attend to his official duties from any cause at any time, the judge of the district court in each judicial district in this state, when the trial of cases required to be reported necessitates it, is authorized and empowered to obtain a suitable and competent person as substitute for such official court reporter, during such disability; such substitute to receive the fees herein provided for in full compensation for such services. And in all cases where any signature of the official court reporter is required, the same, during the absence or any such disability of the official court reporter shall be signed by the person substituted therefor as acting official court reporter, and in such cases the same shall have the same legal force and effect as if signed by the official court reporter.

ADDITIONAL STATUTES PERTAINING TO TRANSCRIPTS, ETC.

1-7-101. Liability for expenses in civil actions. When a change of venue is directed in a civil action in the district court, the county from which the change of venue is taken shall be liable to pay to the county to which the change is taken the fees paid to the jury trying the case and any of the regular panel not engaged in the trial but held in waiting as an incident thereto, allowance to bailiffs, and all other jury expenses necessarily incurred by such county because of the change of venue. Such expenses shall be audited and allowed by the court to which the action is changed and the court shall certify such allowance to the county clerk of the county from which the change of venue was first taken. The allowance shall be paid by the county from which the change of venue was first taken.

1-7-102. Venue in criminal cases generally.

- (a) Every criminal case shall be tried in the county in which the indictment or offense charged is found, except as otherwise provided by law.
- (b) When the location of a criminal offense cannot be established with certainty, venue may be placed in the county or district where the corpus delicti is found, or in any county or district in which the victim was transported.

7-1-101. Payment of costs accruing from change of venue. The costs accruing from a change of venue shall be paid by the county in which the indictment was found of the information filed.

7-11-506. Trial transcript for indigent prisoner upon appeal. Any person sentenced to imprisonment in a state penal institution, who appeals to the supreme court, may file, in the court in which that person was convicted, a petition requesting that the person be furnished with a stenographic transcript of the proceedings at that person's trial. The petition shall be verified by the petitioner and shall state facts showing that at the time of conviction and at the time of filing the petition that person was without financial means to pay for the transcript. If the judge who imposed sentence, or any other judge of the court, finds that the defendant is without financial means with which to obtain the transcript of the proceedings at trial, the judge shall order the reporter to transcribe an original and copy of the reporter's notes. The original of the transcript

shall be filed with the clerk and the copy shall be delivered to the defendant without charge. The reporter's fees for preparation of the transcript shall be the same as those prescribed in W.S. 5-3-410, and shall be paid by the county in which the conviction is had.

9-3-101. Salaries; amount; date of payment. (a) Salaries for clerk of the supreme court and district court reporters shall be determined by the supreme court as authorized by legislative appropriations. ... (The rest of the section refers to other state officers, etc.)

The following Wyoming State Statutes should also be noted:

14-2-408. Free transcript for appeal. If a party is financially unable to pay the cost of a transcript, the court shall furnish on request a transcript for purposes of appeal under this act. (Referring to the Wyoming Parentage Act)

14-3-424. Conduct of hearings generally; exclusion of general public and child; exceptions; consolidations, continuances or deferrals permitted.

(a) Unless a jury trial is demanded, hearings under this act shall be conducted by the court without a jury in an informal but orderly manner and separate from other proceedings not included under this act. The district attorney shall present evidence in support of the petition and otherwise represent the state. If the allegations in the petition are denied, adjudicatory and disposition hearings shall be recorded by the court reporter or by electronic, mechanical or other appropriate means.

(b) Except in hearings to declare a person in contempt of court, the general public are excluded from hearings under this act. Only the parties, counsel for the parties, jurors, witnesses, and other persons the court finds having a proper interest in the proceedings or in the work of the court shall be admitted. If the court finds it necessary in the best interest of the child, the child may be temporarily excluded from any hearing.

(c) Hearings on two (2) or more petitions may be consolidated for purposes of adjudication when the allegations in the petitions pertain to the same act constituting the alleged neglect. Separate hearings on the petitions may be held thereafter for purposes of disposition.

(d) The court may, on the motion of any party or on its own motion, continue or defer any hearing as the work of the court or justice requires

14-3-432. Appeal; right generally; transcript provided; cost thereof.

(a) Any party including the state may appeal any final order, judgment or decree of the juvenile court to the supreme court within the time and in the manner provided by the Wyoming Rules of Appellate Procedure.

(b) Upon motion of the child's parents, guardian or custodian, supported by affidavit stating they are financially unable to purchase a transcript of the proceeding, a transcript or so much thereof necessary to support the appeal shall be provided at no cost or at a cost the court determines they are able to pay. Any cost of the transcript not charged to the appellant shall be certified by the court to the county treasurer and paid from the funds of the county in which the proceedings were held.

14-6-233. Appeal; right generally; transcript provided; cost thereof.

(a) Any party including the state may appeal any final order, judgment or decree of the juvenile court to the supreme court within the time and in the manner provided by the Wyoming Rules of Appellate Procedure.

(b) Upon motion of the child or his parents, guardian or custodian, supported by affidavit stating they are financially unable to purchase a transcript of the proceeding, a transcript or so much thereof necessary to support the appeal shall be provided at no cost or at a cost the court determines they are able to pay. Any cost of the transcript not charged to the appellant shall be certified by the court to the county treasurer and paid from the funds of the county in which the proceedings were held.

14-6-432. Appeal; right generally; transcript provided; cost thereof.

(a) Any party including the state may appeal any final order, judgment or decree of the juvenile court to the supreme court within the time and in the manner provided by the Wyoming Rules of Appellate Procedure.

(b) Upon motion of the child or his parents, guardian or custodian, supported by affidavit stating they are financially unable to purchase a transcript of the proceeding, a transcript or so much thereof necessary to support the appeal shall be provided at no cost or at a cost the court determines they are able to pay. Any cost of the transcript not charged to the appellant shall be certified by the court to the county treasurer and paid from the funds of the county in which the proceedings were held.

(The following Rules were copied in December, 2020, from the Wyoming Supreme Court's Courts Rules found at https://www.courts.state.wy.us/court_rule/uniform-rules-for-district-courts-of-the-state-of-wyoming-2/)

UNIFORM RULES FOR DISTRICT COURTS OF THE STATE OF WYOMING

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.

Rule 904. Notice to court reporter. Any party requesting the reporting of a particular matter by the official court reporter shall provide notice to the official court reporter at least three working days before the matter is set for hearing. The three-day notice requirements can be waived by the court. The notice is not required for juvenile and criminal matters. (Amended December 31, 2001, effective April 1, 2002.)

Rule 906. Time for transcribing certain criminal proceedings. Transcripts for arraignments, guilty pleas and sentencing proceedings shall be transcribed within 60 days of such proceedings, but such period may be extended by order of the district court for good cause shown, provided that such extension does not conflict with any deadlines incident to an appeal should such be undertaken.

Rule 907. Electronic audio record for paternity cases. The district court in its discretion may comply with any requirements to report cases pursuant to Wyo. Stat. Ann. § 14-2-408 by providing an electronic audio record of the proceedings. (Adopted October 28, 2003, effective January 1, 2004.)

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. Stenographic notes.

(a) All Official Court Reporters shall maintain or cause to be maintained a log of all stenographic notes of any District 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.

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

(2) All notes, paper and/or electronic, shall be considered the property of the District 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 District Court, in a location known to the District Court Judge, and such electronic copy of the “Personal Dictionary” shall be considered the property of the District Court.

(c) Each District 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 District 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.

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 minute at 95% accuracy (65 errors). Such test will be taken from a National Court Reporters’ Examination Tape and administered by a committee of no less than two persons appointed by the District Court Judge. (This tape is to be held by a designated member of the Wyoming Professional Court Reporters Association.)

(3) Passing a certification test from any other certifying state in which the requirements for certification meet the standards outlined in (a)(2) above; or

(4) 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) 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.)

III. Equipment and supplies.

(a) All Official Court Reporters shall provide the equipment necessary to report and create transcripts of District Court proceedings. This equipment may include, but need not be limited to, 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 those other items necessary to report and create transcripts of District Court 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 as appended to these rules. 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 District Court conducts multi-defendant proceedings, such as arraignments, the Court Reporter shall be compensated by the District 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 District 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 W.S. 5-3-410(e).

NOTE: The Court Reporter Invoice for criminal cases is included in this 4ules. A form may be obtained at:

<https://www.courts.state.wy.us/wp-content/uploads/2017/06/CourtReporterInvoice.pdf>

WYOMING RULES OF CRIMINAL PROCEDURE

Rule 55. Court reporters; recording of proceedings.

(a) In the district court, the court reporter shall report all testimony and all proceedings held in open court including but not limited to voir dire, opening statements, motions and final arguments, as well as conferences with the presiding judge in open court and in chambers. Informal discussions, informal instruction conferences and pre-trial conferences shall be reported when requested by a party.

(b) In circuit court and municipal court, all testimony and all proceedings held in open court including but not limited to voir dire, opening statements, motions and final arguments, as well as conferences with the presiding judge in open court and in chambers, shall be recorded by electronic means. Informal discussions, informal instruction conferences and pre-trial conferences

shall be recorded when requested by a party. At their own expense, any party may have proceedings reported by a court reporter. (Amended June 30, 2000, effective July 1, 2000; amended December 2, 2002, effective January 6, 2003.)

WYOMING RULES OF CIVIL PROCEDURE

Rule 80. Stenographic transcript as evidence. If stenographically reported testimony at a hearing or trial is admissible in evidence at a later trial, the testimony may be proved by a transcript certified by the person who reported it. (Added February 2, 2017, effective March 1, 2017.)

WYOMING RULES OF APPELLATE PROCEDURE

2.05. Certification of transcript request; statement of evidence, or agreed statement.

(a) Concurrently with filing the notice of appeal, appellant must order and either make arrangements satisfactory to the court reporter for the payment for a transcript of the portions of the evidence deemed necessary for the appeal or make application for in forma pauperis status as provided in Rule 2.09. A certificate of compliance with this rule shall be endorsed upon the notice of appeal. If appellant does not intend to order a transcript, the certificate of compliance shall include a statement indicating whether appellant intends to procure a statement of evidence pursuant to Rule 3.03 or an agreed statement pursuant to Rule 3.08.

(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 supreme court and the supreme court may take any action it deems appropriate pursuant to Rule 1.03. (Amended May 4, 2001, effective September 1, 2001; amended July 26, 2006, effective December 1, 2006; amended April 6, 2015, effective July 1, 2015; amended August 23, 2017, effective November 1, 2017.)

2.06. Time allowed court reporter to file transcript; certification to appellate court and parties that transcript has been filed in trial court.

(a) Within 60 days after the notice of appeal is filed, the court reporter shall file with the clerk of the trial court, the transcript, or such portions of the transcript that have been ordered as provided in Rule 2.05. Any redactions shall be made pursuant to Rules Governing Redactions from Court Records. After completion of redacted versions of the transcripts and contemporaneously with filing the transcript in the trial court, the reporter shall notify in writing or electronically the appellate court and all parties to the appeal that the transcript has been filed in the 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 supreme court. (Amended April 6, 2015, effective July 1, 2015.)

3.02. Transcript of proceedings.

(a) Transcripts in criminal and juvenile matters shall consist of all proceedings including, but not limited to, voir dire, opening statements and final arguments, conferences with the presiding judge, in addition to the testimony of the case and other essential materials.

(b) In all cases other than criminal and juvenile matters, if the proceedings in the trial court were reported by an official court reporter, appellant shall, contemporaneously with the filing of the notice of appeal, file and serve on appellee a description of the parts of the transcript which

appellant intends to include in the record and unless the entire transcript is to be included, a statement of the issues appellant intends to present on appeal. If an appellant intends to assert on appeal that a finding or conclusion is unsupported by the evidence or contrary to the evidence, appellant shall include in the record a transcript of all evidence relevant to such finding or conclusion. If appellee deems a transcript of other parts of the proceedings to be necessary appellee shall, within 15 days after service of the designation of the partial transcript by appellant, order such parts from the reporter or procure an order from the trial court directing appellant to do so. At the time of ordering, a party must make arrangements satisfactory to the reporter for payment of the cost of the transcript.

(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 supreme court, 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 supreme court 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 1/2 x 11 inches and a maximum of 25 lines per page and no more than 10 characters per inch. Condensed transcripts are disfavored by the supreme court. 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 Rules Governing Redactions from Court Records. The transcript shall be certified by the clerk as a part of the trial court record. (Amended April 6, 2015, effective July 1, 2015.)

WYOMING RULES GOVERNING REDACTIONS FROM COURT RECORDS

Rule 1. Redacted filings [Effective June 1, 2018.] For any documents filed, unless otherwise ordered by the court, the parties shall refrain from including, or shall redact where inclusion is necessary, the following five personal data identifiers from their pleadings, including exhibits thereto.

(a) Social Security Numbers. — If an individual's social security number must be included, only the last 4 digits of that number should be used.

(b) Names of Minor Children. — If the involvement of a minor child must be mentioned, only the initials of that child should be used. This does not include cases where the minor is a party to the case, unless the statutes otherwise require.

(c) Dates of Birth. — If an individual's date of birth must be included, only the year of birth should be used.

(d) Financial Account Numbers. — If a financial account number is relevant, only the last 4 digits of such numbers should be used.

(e) Victim Addresses. — In criminal cases, the address of any identified victim should be limited to county and state. The responsibility for redacting these personal data identifiers rests solely with counsel and the persons filing the documents with the court. (Amended February 3, 2011, effective February 3, 2011; amended March 13, 2018, effective June 1, 2018.)

Rule 3. Exemptions from redaction requirements. The above redaction requirements do not apply to the following:

- (a) Documents already made confidential by statute, administrative rule, court rule, or court order;
- (b) The record of an administrative agency or court proceeding if that record was not subject to the redaction requirement when originally made;
- (c) Citations; and
- (d) Audio digital recordings. (Amended February 3, 2011, effective February 3, 2011.)

Rule 4. Filings made under seal. The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

Rule 8. Transcripts [Effective June 1, 2018.] In those cases already made confidential by statute, administrative rule, court rule, or court order, it is not necessary to redact transcripts. The responsibility for redacting official court transcripts rests solely with counsel and the parties. The court, clerk, and court reporter/transcriber will not review the transcript for compliance with these rules.

Once a prepared transcript pursuant to Wyo. Stat. Ann. §§ 5-3-401 to 412 is delivered to the clerk's office for filing, and the court reporter/transcriber has given written notice by email or traditional means to the parties that the transcript is completed, the attorneys in the case are (or, where there is a self-represented party, the party is) responsible for reviewing it for the personal data identifiers required by these rules to be redacted. Each party or counsel shall give prompt written notice of changes of address, telephone number or email address, if any, to the clerk and other parties.

Within eleven calendar days of the delivery by the court reporter/transcriber of the official transcript to the clerk's office, or longer if the court orders, each party must inform the court reporter, by filing a Notice of Intent to Redact with the clerk, of his or her intent to direct the redaction of personal identifiers from the transcript of the court proceeding. A party is only allowed to request redaction of the five personal data identifiers specified in Rule 1 herein without further order of the court. If no such notice is filed within the allotted time, the clerk will assume redaction of the personal data identifiers from the transcript is not necessary, and the record completion process will proceed without further delay.

Within 21 calendar days of the transcript's filing with the clerk, or longer if the court orders, an attorney of record or self-represented party, who has previously filed a Notice of Intent to Redact, must file a Confidential Redaction Request. (See Appendix A to these rules). A copy of this request must also be submitted simultaneously to the court reporter/transcriber. The request shall include the title of the transcript, the date it was filed, the case number and the items to be redacted, referencing them by page and line number and how they are to be redacted. For example, if a party wanted to redact the Social Security Number 123-45-6789 appearing on page 12, line 9 of the transcript, the Confidential Redaction Request would read: page 12, line 9: Social Security Number 123-45-6789 should be redacted to read xxx-xx-6789.

When a Confidential Redaction Request is filed, the court reporter/transcriber must within 31 calendar days from the filing of the transcript with the clerk of court, or longer if the court orders, perform the requested redactions and file a redacted version of the transcript with the clerk of court. The original unredacted transcript will be retained by the clerk of court in the confidential file. The unredacted transcript may be withdrawn from the office of the clerk of the trial court without an order of that court by pro se parties and by appellate counsel of record. The unredacted transcript shall also be available for transmission to the appellate court.

For all civil transcripts and for all criminal trial transcripts when the case is appealed, court reporters of the district courts are required to provide either a key-word index or a PDF electronic file for all parties to assist in redaction efforts. Upon request, court reporters of the district courts shall provide either a key-word index or a PDF electronic file for other criminal transcripts.

In criminal cases, the prosecutor shall notify the court reporter of any information subject to redaction when that information becomes available. Counsel and the parties have a continuing obligation to inform the court reporter of information subject to redaction throughout the pendency of the case.

Court reporters shall redact information using the black-out method or other method that retains the same line and page numbers as the unredacted transcript. In criminal cases, the prosecutor shall be responsible for ensuring redactions are requested for all mandatory transcripts. (Amended effective May 7, 2012, effective July 1, 2012; amended March 13, 2018, effective June 1, 2018.)