IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2019

In the Matter of the	***)***
Wyoming Supreme Court's Emergency Order	***)***
Regarding COVID-19 Pandemic	***)***

COVID-19 EMERGENCY ORDER ADOPTING PROCEDURES FOR REMOTE ADMINISTRATION OF OATHS AND WITNESSES, VERIFICATION OF GUILTY PLEAS, AND FOR PAPER FILINGS

This matter came before the Court on its own motion. On March 13, 2020, Governor Mark Gordon entered Executive Order 2020-2, declaring a state of emergency and a public health emergency in the State of Wyoming due to the health risk posed by the coronavirus, also known as COVID-19. In light of this declaration and to protect the health and safety of court employees, elected officials, and the general public, the Wyoming Supreme Court entered its March 18, 2020 Order Adopting Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic. In addition, the Wyoming Supreme Court, under Article V, Section 2 of the Wyoming Constitution, in the exercise of its inherent powers, now enters this Emergency Order, in effect from March 26, 2020, to Friday, April 10, 2020:

1. Wyoming Rule of Civil Procedure 30(b)(4) currently provides that parties may stipulate to have depositions taken by remote means, and W.R.C.P. 30(b)(5) provides that parties may stipulate that depositions need not be taken "before" a court reporter. While this Emergency Order is in place, the burden will be on the non-stipulating party to demonstrate that the failure to stipulate to conducting a deposition in this manner was made in good faith; and, if a court finds that such failure was not in good faith, it will impose costs and fees for any motion arising from that failure upon the non-stipulating party. Reasonable provisions for ensuring the integrity of the process, including identifying the witness and ensuring that the court reporter and attorneys can see and/or hear the witness shall be made.

2. A defendant's signature on a plea of guilty pursuant to W.R.Cr.P. 32(b) or 43(c) need not be notarized, so long as the judge taking the plea is satisfied that sufficient procedural safeguards are in place to ensure, among other things, that the person signing the plea is in fact the defendant.

3. (a) Witnesses may witness a testator's will signing pursuant to Wyo. Stat. Ann. § 2-6-112 remotely, by audio-video means shared simultaneously by the testator and the witnesses. The witnesses' original signatures of attestation shall be promptly mailed to the testator or his or her attorney or representative. Witnesses to Advanced Health Care Directives

pursuant to Wyo. Stat. Ann. § 35-22-403; Revocation of Advanced Health Care Directives pursuant to Wyo. Stat. Ann. § 35-22-404; and Revocation of POLST forms pursuant to Wyo. Stat. Ann. § 35-22-508, may be conducted in the same manner.

(b) An officer authorized to administer oaths for self-proving wills pursuant to Wyo. Stat. Ann. § 2-6-114 may administer the testator's acknowledgment and the witnesses' affidavits by audio-video means, if the witnesses, the testator, and the officer are all using a shared audio-video means (or two or more of them are in each other's physical presence and are joining the remaining persons by audio-video means), and the officer has complied with the Wyoming Secretary of State's *Guidance on Temporary Remote Online Notarization* http://soswy.state.wy.us/Services/Docs/Guidance-on-Temporary-Remote-Online-Notarization.pdf.

4. In its March 18 Order, the Court encouraged filing by electronic mail in accordance with Rule 5(e) of the Wyoming Rules of Civil Procedure and Rule 301 of the Uniform Rules for the District Courts, and it lifted the page limit for electronic mail filings. Further, the requirement of W.R.C.P. 5(e) that electronic mail filings must be followed by an original may be waived by individual district and circuit court clerks, ***except for*** initiating pleadings (complaints or petitions), which must be submitted in paper form along with the filing fee.

The Court will review this Order no later than April 10, 2020, to determine whether it should be extended or vacated as circumstances require. Nothing in this order is intended to preclude judges from implementing additional restrictions as needed. This order shall be in effect from March 26, 2020, to April 10, 2020, unless modified by further order of this Court.

DATED this 26th day of March, 2020.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice