

December 2019

Wyoming Rules of Civil Procedure

Wyoming State Bar

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Recommended Citation

Wyoming State Bar, *Wyoming Rules of Civil Procedure*, 3 Wyo. L.J. 178 (1948)
Available at: <https://scholarship.law.uwyo.edu/wlj/vol3/iss3/14>

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Steadman, Chairman. Mr. Steadman presented the report Standard by Standard and upon motion duly made, seconded and carried in the case of each Standard, the report of the Committee was adopted, with the exception of Standard No. 16 of the Seventh Judicial District Bar which was amended to include "material-man's lien", and as so amended was likewise adopted.

The meeting then resumed the consideration of legislation.

14. Bill relating to the curative act as pertains to marital status. Committee recommendation: approval. Action: approved and recommended to the Legislature for passage.

15, 16 and 17. Bills relating to the conveyancing of a homestead. Committee recommendation: approval. Action: disapproval.

Mr. Franklin B. Sheldon submitted a bill relating to the release of homestead in a conveyance. Upon motion duly made, seconded and carried the bill was approved and recommended to the Legislature for passage. Mr. Sheldon also submitted an addition to the bill relating to the curative act as pertains to marital status (no. 14 above), the addition providing for a presumption. Upon motion duly made, seconded and carried, the addition was approved.

There being no further business the meeting was adjourned at 5:00 P. M. on January 22, 1949.

The members and their ladies were entertained at a banquet at the Cheyenne Country Club in the evening. Honorable Frank E. Holman, President of the American Bar Association, was the principal speaker of the evening.

Robert B. Laughlin
Secretary-Treasurer

WYOMING RULES OF CIVIL PROCEDURE

Adopted by Supreme Court June 7, 1949

Effective from and after January 1, 1950

Rule 1. In any action, the court may in its discretion, and upon request of any party shall, direct the attorneys for the parties to appear before it for a conference to consider

- (1) The simplification of the issues;
- (2) The necessity or desirability of amendments to the pleadings;
- (3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (4) The limitation of the number of expert witnesses;
- (5) The advisability of a preliminary reference of issues to a master for findings to be used as evidence when the trial is to be by jury;
- (6) Such other matters as may aid in the disposition of the action.

The court shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and which limits the issues for trial to those not disposed of by admissions or agreements of counsel; and such order when entered controls the subsequent course of the action, unless modified at the trial to prevent manifest injustice. The court in its discretion may establish by rule a pre-trial calendar on which actions may be placed for consideration as above provided and may either confine the calendar to jury actions or to non-jury actions or extend it to all actions.

Rule 2. A judgment or final order in any case shall be deemed to be entered in contemplation of any provision of the statutes or rules relating to direct appeal to the Supreme Court or to a proceeding in error which refers to the entry of a judgment, whenever a form of such judgment, signed by the trial judge is filed in the office of the clerk of the district of the county in which such case is pending. If no such form of judgment or final order should happen to be signed by such trial judge in any case, then the actual entry of the judgment or final order on the journal of the proper court shall govern.

Rule 3. The foregoing rules shall take effect and be in force from and after the first day of January, A. D. 1950.

NOTE: The rule in regard to pre-trial procedure is one of the rules recommended for adoption in a report of the Rules Advisory Committee, appointed under Section 4 of Chapter 53, Session Laws of 1947, an act authorizing the Supreme Court from time to time to adopt rules of practice and procedure in all courts of the state. The full report of the committee was printed in 2 Wyoming Law Journal, 145 to 241, and, substantially as there printed, was transmitted to the court January 12, 1949. Other recommendations of the committee are being considered by the court, and additional rules may be adopted from time to time in the future.

The rule in regard to the time a judgment or order shall be deemed to have been entered for the purposes of appellate proceedings is not one of the rules proposed by the Advisory Committee. It is adopted to overcome a reported difficulty of counsel in ascertaining when, or under what date, a form of judgment, signed by the judge and filed with the clerk, will be actually entered on the journal.

STANDARDS FOR TITLE EXAMINATION

(Standards 1 through 8 adopted at 1946 Annual Meeting; Standards 9 through 23 adopted at 1949 Legislative Meeting)

STANDARD NUMBER 1.

Problem: When an attorney discovers a title situation which he believes should be corrected, what step should he take first if he has knowledge that the same title has been examined by another attorney who has not objected to the defect?

Answer: He should communicate with the previous examiner, explain to him his objection and afford opportunity for discussion.