

SENATE FILE NO. SF0104

Wyoming chancery court.

Sponsored by: Senator(s) Perkins, Driskill, Nethercott and
Rothfuss and Representative(s) Greear,
Harshman, Lindholm and Olsen

A BILL

for

1 AN ACT relating to courts; creating a chancery court;
2 providing for jurisdiction; providing for funding of the
3 chancery court; providing for adoption of rules for the
4 chancery court; providing for the terms and appointment of
5 chancery court judges; providing for the salary and expenses
6 of chancery court personnel; authorizing positions; providing
7 appropriations; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 5-13-101 through 5-13-116 and 5-13-201
12 through 5-13-203 are created to read:

13

14

CHAPTER 13

15

CHANCERY COURTS

1

2

ARTICLE 1

3

GENERAL PROVISIONS

4

5 **5-13-101. Chancery court established.**

6

7 Pursuant to the provisions of article 5, section 1 of the
8 Wyoming Constitution, the chancery court of the state of
9 Wyoming is hereby established for the state of Wyoming.

10

11 **5-13-102. Chancery court fund account created;**
12 **purposes.**

13

14 (a) There is created an account entitled "the chancery
15 court account". The account shall receive all filing fees
16 received by the chancery court. Any interest accruing to the
17 account shall be retained in the account and may be expended
18 for the purposes provided in this section. No funds shall be
19 expended from the account until the legislature appropriates
20 the funds. Funds within the account shall be used for the
21 purpose of funding operation of the chancery courts,
22 including judicial salaries, staff salaries, supplies,
23 operating costs and other expenses of the chancery court.

1

2 (b) The judicial salaries, staff salaries, supplies,
3 operating costs and other expenses of the chancery court may
4 be appropriated by the legislature from the general fund, or
5 other fund, to the extent sufficient funds are not available
6 in the chancery court account.

7

8 **5-13-103. Number of judges; location of chambers;**
9 **concurrent jurisdiction.**

10

11 (a) The chancery court of the state of Wyoming shall
12 consist of no more than three (3) judges. The location of
13 chambers and assignment of cases shall be prescribed by rules
14 promulgated by the supreme court based on caseload studies.

15

16 (b) All chancery court judges in the state shall have
17 concurrent jurisdiction throughout the state as provided in
18 W.S. 5-13-115(d).

19

20 **5-13-104. Supreme court to adopt rules; fees and court**
21 **costs; rules of procedure to govern courts; place for holding**
22 **court; inherent powers; appeals.**

23

1 (a) The Wyoming supreme court is hereby vested with
2 management and supervisory powers, including financial
3 auditing authority, over the chancery court of the state of
4 Wyoming. The Wyoming supreme court shall establish procedures
5 and regulations for the effective and expeditious resolution
6 of disputes between parties and the administration of the
7 business of the chancery court, including the Wyoming Rules
8 of Civil Procedure for the Chancery Courts and procedures
9 for:

10

11 (i) The filing of an action with the chancery
12 court;

13

14 (ii) The removal of an existing case from another
15 court to the chancery court;

16

17 (iii) The removal, by the non-filing party, of a
18 case filed with the chancery court to another court;

19

20 (iv) Trial without a jury;

21

22 (v) The ordering of mediation;

23

1 (vi) Referrals to a special master;

2

3 (vii) The streamlined and expeditious completion of
4 discovery.

5

6 (b) The Wyoming supreme court shall establish fees and
7 charges for the chancery court, provided:

8

9 (i) The fees and charges are established to, as
10 nearly as practicable, fund the operation of the chancery
11 court; and

12

13 (ii) The original filing fee is set at not less
14 than five hundred dollars (\$500.00). The fee shall apply to
15 original actions commenced, actions removed or transferred to
16 the chancery court from another court and to actions that are
17 reopened after a final decree previously has been entered.

18

19 (c) The Wyoming Rules of Civil Procedure for Chancery
20 Courts and the Wyoming Rules of Evidence, as amended or
21 supplemented from time to time, shall govern the chancery
22 court.

23

1 (d) The judges of the chancery court may hold court for
2 each other and shall do so when required by law. A judge of
3 the chancery court may hold court in any county where venue
4 is appropriate.

5
6 (e) When no special provision is otherwise made by law,
7 the chancery court shall be vested with all inherent powers
8 that are possessed by courts of record in this state.

9
10 (f) Opinions of the chancery court shall be published
11 by the clerk of the chancery court in a searchable electronic
12 database.

13
14 (g) An appeal from a judgment or other appealable order
15 of the chancery court shall be to the Wyoming supreme court
16 in accordance with the Wyoming Rules of Appellate Procedure.

17
18 (h) As used in subsection (a) of this section, "effective
19 and expeditious resolution of disputes between parties" means
20 the resolution of a majority of the actions filed in the
21 chancery court within one hundred fifty (150) days of the
22 filing of the action.

23

1 **5-13-105. Name of court; presider.**

2

3 The chancery court shall be called the "Chancery Court of the
4 State of Wyoming" which shall be a court of record with a
5 seal and the judge and clerk thereof have power to administer
6 oaths and affirmations. The chancery court shall be presided
7 over by a chancery court judge.

8

9 **5-13-106. Term of chancery court judges.**

10

11 The terms of chancery court judges shall be six (6) years.
12 Each chancery court judge selected under the provisions of
13 article 5, section 4 of the Wyoming Constitution shall serve
14 for one (1) year after his appointment and until the first
15 Monday in January following the next general election after
16 the expiration of the year. At the general election, he shall
17 stand for retention in office throughout the state as provided
18 in article 5, section 4 of the Wyoming Constitution.

19

20 **5-13-107. Judges to be nonpartisan; nomination and**
21 **appointment.**

22

1 Judges of the chancery court shall be nonpartisan, shall be
2 nominated and appointed and retained as provided by article
3 5, section 4 of the Wyoming Constitution.

4

5 **5-13-108. Qualifications for appointment.**

6

7 (a) To be eligible for appointment to the office of
8 judge of the chancery court, a person shall be:

9

10 (i) A qualified elector of the state;

11

12 (ii) Authorized to practice law in Wyoming; and

13

14 (iii) Experienced or knowledgeable in the subject
15 matter jurisdiction of the chancery court.

16

17 **5-13-109. Temporary assignment to fill vacancies;**
18 **appointments to fill vacancies in office.**

19

20 (a) Prior to the appointment of a chancery court judge
21 under subsection (b) of this section or in the event a
22 chancery court judge appointed under W.S. 5-13-107 dies,
23 becomes unable or unwilling to perform the duties of his

1 office, the supreme court may temporarily assign the duties
2 of chancery court judge to be performed by a person who meets
3 the qualifications set forth in W.S. 5-13-108. Any assignment
4 shall be made to:

5
6 (i) A retired supreme court justice;

7
8 (ii) A retired district court justice; or

9
10 (iii) A member of a panel of up to five (5) active
11 district court judges selected by the supreme court to serve
12 as chancery court judge on ad hoc basis.

13
14 (b) Beginning March 1, 2022, the office of judge of the
15 chancery court and any vacancies therein shall be filled as
16 provided by W.S. 5-13-107.

17
18 **5-13-110. Delivery of official records and papers to**
19 **successor in office.**

20
21 If the office of judge of the chancery court becomes vacant
22 by reason of death, removal from office or otherwise, the
23 senior chancery court judge, or if there is none, the clerk

1 of the chancery court, shall take charge of the official
2 records and papers of the judge and deliver them to the
3 successor in office of that judge.

4

5 **5-13-111. Jurisdiction of successor is same as that of**
6 **predecessor in office.**

7

8 A judge of the chancery court with whom the records of his
9 predecessor have been deposited has the same jurisdiction
10 over all actions and proceedings entered in the records as if
11 they were originally commenced before him.

12

13 **5-13-112. Salaries of judges; traveling expenses.**

14

15 Chancery court judges shall receive the annual salary
16 provided by W.S. 5-1-110(a)(iv). When a new salary is
17 effective for any judge of the chancery court upon new
18 appointment or the commencement of a new term, it shall be
19 effective for all judges of the chancery court. In addition
20 to salary, a judge of the chancery court shall be reimbursed
21 for traveling expenses actually incurred when the business of
22 the chancery court requires his attendance more than five (5)
23 miles from the place where he regularly holds court.

1

2 **5-13-113. Oath.**

3

4 Before assuming the duties of his office, a judge of the
5 chancery court shall take and subscribe before a supreme court
6 justice the oath of office prescribed by the constitution of
7 Wyoming.

8

9 **5-13-114. Process extends throughout state.**

10

11 The process of the chancery court shall extend throughout the
12 state.

13

14 **5-13-115. Purpose and jurisdiction.**

15

16 (a) The chancery court shall be a court of limited
17 jurisdiction established for the expeditious resolution of
18 disputes involving commercial, business, trust and similar
19 issues. The chancery court shall employ nonjury trials,
20 alternative dispute resolution methods and limited motions
21 practice and shall have broad authority to shape and expedite
22 discovery as provided in the rules adopted by the supreme
23 court to govern chancery courts.

1

2 (b) The chancery court shall have jurisdiction to hear
3 and decide actions for equitable or declaratory relief and
4 for actions where the prayer for money recovery is an amount
5 exceeding fifty thousand dollars (\$50,000.00), exclusive of
6 claims for punitive or exemplary damages, prejudgment or post
7 judgment interest, costs and attorney fees provided the cause
8 of action arises from at least one (1) of the following:

9

10 (i) Breach of contract;

11

12 (ii) Breach of fiduciary duty;

13

14 (iii) Fraud;

15

16 (iv) Misrepresentation;

17

18 (v) A statutory or common law violation involving:

19

20 (A) The sale of assets or securities;

21

22 (B) A corporate restructuring;

23

1 (C) A partnership, shareholder, joint
2 venture or other business agreement;

3

4 (D) Trade secrets; or

5

6 (E) Employment agreements not including
7 claims that principally involve alleged discriminatory
8 practices.

9

10 (vi) Transactions governed by the Uniform
11 Commercial Code;

12

13 (vii) Shareholder derivative actions. The
14 monetary threshold in subsection (b) of this section shall
15 not apply to action brought under this paragraph;

16

17 (viii) Commercial class actions;

18

19 (ix) Business transactions involving or arising
20 out of dealings with commercial banks and other financial
21 institutions;

22

1 (x) A dispute concerning the internal affairs of
2 business organizations;

3

4 (xi) A dispute concerning environmental insurance
5 coverage;

6

7 (xii) A dispute concerning commercial insurance
8 coverage;

9

10 (xii) Dissolution of corporations, partnerships,
11 limited liability companies, limited liability partnerships,
12 joint ventures, banks and trust companies. The monetary
13 threshold of subsection (b) of this section shall not apply
14 to action brought under this paragraph;

15

16 (xiv) Transactions governed by the Uniform Trust
17 Code; or

18

19 (xv) Applications to stay or compel arbitration
20 and affirm or disaffirm arbitration awards and related
21 injunctive relief or appeals pursuant to W.S. 1-21-801
22 through 1-21-804 or 1-36-101 through 1-36-119, involving any
23 of the foregoing enumerated issues. Where any applicable

1 arbitration agreement provides for an arbitration to be heard
2 outside the United States, the monetary threshold set forth
3 in this subsection shall not apply.

4
5 (c) The chancery court shall have no supplemental
6 ancillary jurisdiction over any cause of action not listed in
7 subsection (b) of this section.

8
9 (d) All chancery court judges throughout the state
10 shall have concurrent jurisdiction with all district court
11 judges throughout the state only as to the causes of action
12 enumerated in subsection (b) of this section.

13
14 (e) A chancery judge may submit to arbitration any
15 matter pending in chancery court, upon agreement of the
16 parties as provided by W.S. 1-21-801 through 1-21-804, or
17 upon application of either party showing an arbitration
18 agreement and refusal of the opposing party to arbitrate as
19 provided by W.S. 1-36-101 through 1-36-119.

20
21 (f) A chancery judge may order mediation in any matter
22 pending in chancery court.

1 **5-13-116. Powers generally.**

2

3 (a) In exercising the jurisdiction granted under W.S.
4 5-13-115, the chancery court may:

5

6 (i) Preserve and enforce order in its immediate
7 presence and in the proceedings before it according to the
8 Wyoming Rules of Civil Procedure for Chancery Courts;

9

10 (ii) Compel obedience to its judgments, orders and
11 processes;

12

13 (iii) Except as otherwise provided, control the
14 conduct of its ministerial officers and of all other persons
15 in any manner connected with judicial proceedings before it;

16

17 (iv) Issue summonses, subpoenas or other process
18 in chancery court cases;

19

20 (v) Administer oaths and affirmations and take
21 acknowledgments, affidavits and depositions;

22

1 (vi) Amend and control its process and orders to
2 make them conformable to law and justice;

3

4 (vii) Proceed to nonjury trial, render judgment
5 and grant writs of execution to carry into effect any order
6 or judgment of the court; and

7

8 (viii) Punish for contempt in the same manner as
9 district court.

10

11 ARTICLE 2

12 CLERK

13

14 **5-13-201. Office created; salary; deputies.**

15

16 (a) There shall be a clerk of the chancery court for
17 the state of Wyoming. The clerk shall be selected by a
18 majority of justices of the supreme court and shall be an
19 employee of the supreme court. The clerk shall receive an
20 annual salary to be determined by the supreme court which
21 shall be paid in monthly installments in the same manner as
22 other state salaries are paid. The clerk shall perform the

1 duties prescribed by law and the rules adopted by the supreme
2 court.

3

4 (b) The clerk of the chancery court may, with the
5 consent of a majority of the justices of the supreme court,
6 appoint a deputy clerk. The deputy may perform all the duties
7 of the office in the name of the clerk and the attestation of
8 the deputy to all decrees, orders and processes, shall have
9 the same effect and force as if issued by the clerk. The
10 deputy clerk shall receive an annual salary to be determined
11 by the supreme court which shall be paid in monthly
12 installments in the same manner as other state salaries are
13 paid.

14

15 **5-13-202. Collection of fees.**

16

17 The clerk of the chancery court shall collect all fees and
18 charges as required and set by the supreme court under W.S.
19 5-13-104(b). At the time of the original filing, the clerk
20 also shall collect a court automation fee in the amount of
21 twenty-five dollars (\$25.00) which shall be deposited into
22 the judicial systems automation account established by W.S.
23 5-2-120, and an indigent civil legal services fee in the

1 amount of ten dollars (\$10.00) which shall be deposited into
2 the indigent civil legal services account established by W.S.
3 5-2-121.

4
5 **5-13-203. Duties generally.**

6
7 The clerk shall receive all cases filed with the court and
8 maintain the records of the court. The clerk shall receive,
9 account for and pay over all money that may come into the
10 possession of the court according to law or by rule or order
11 of court. The clerk shall be responsible for publishing the
12 opinions of the court as provided in W.S. 5-13-104(f) and as
13 may be provided for by rule.

14
15 **Section 2.** W.S. 4-10-203, 5-1-110(a) by creating a new
16 paragraph (iv), 5-2-120(d)(ii), 9-3-702(a)(v) and (vi) and
17 9-3-706(a)(intro) are amended to read:

18
19 **4-10-203. Subject matter jurisdiction.**

20
21 (a) The district court ~~has~~ and the chancery court, to
22 the extent not inconsistent with W.S. 5-13-115, have
23 exclusive jurisdiction of proceedings in this state brought

1 by a trustee, trust protector, trust advisor or beneficiary
2 concerning the administration of a trust.

3
4 (b) The district court ~~has~~ and the chancery court, to
5 the extent not inconsistent with W.S. 5-13-115, have
6 concurrent jurisdiction with other courts of this state in
7 other proceedings involving a trust.

8
9 **5-1-110. Salaries of judges.**

10
11 (a) Subject to constitutional and statutory provisions
12 concerning when salaries can become effective, judges of the
13 supreme court, district courts, chancery courts and circuit
14 courts shall receive the following annual salaries which
15 shall be paid in equal monthly installments on the last
16 working day of the month:

17
18 (iv) Chancery court judges shall receive an annual
19 salary of one hundred fifty thousand dollars (\$150,000.00).

20
21 **5-2-120. Judicial systems automation account created;**
22 **purposes; court information technology equipment.**

1 (d) As used in this section:

2

3 (ii) "State court facility" includes circuit, chancery
4 chancery and district courtrooms, circuit and district court
5 jury rooms, circuit, chancery and district court judges'
6 chambers and the offices of circuit and chancery court clerks.

7

8 **9-3-702. Definitions.**

9

10 (a) As used in this act:

11

12 (v) "Employee" means any justice of the supreme
13 court, district judge, ~~appointed~~ chancery court judge or
14 circuit court judge appointed to any of those offices on or
15 after July 1, 1998, and with no prior service as a justice of
16 the supreme court or district judge at the time of the
17 appointment. "Employee" also includes any justice or judge
18 who elects to participate in the judicial retirement program
19 under this act in accordance with W.S. 9-3-713;

20

21 (vi) "Employer" means the Wyoming supreme court,
22 ~~both~~ for justices, chancery court judges and circuit court
23 judges, or a district court;

1

2 **9-3-706. Age of retirement.**

3

4 (a) An employee is eligible for retirement under this
5 act when he has served as a judge of the supreme court, a
6 district court, a chancery court judge, a circuit court or
7 service in any combination of those positions after July 1,
8 1998, if:

9

10 **Section 3.** The supreme court shall promulgate rules and
11 regulations necessary to implement this act by September 1,
12 2019.

13

14 **Section 4.**

15

16 (a) There is appropriated one million five hundred
17 thousand dollars (\$1,500,000.00) from the general fund to the
18 supreme court for the period beginning with the effective
19 date of this act and ending June 30, 2020. This appropriation
20 shall only be expended for salaries, benefits, necessary
21 travel expenses, chambers, courtroom, office equipment,
22 computer hardware and software, supplies and fees necessary
23 to implement and maintain the office of the chancery court

1 authorized in section 1 of this act. Notwithstanding any other
2 provision of law, this appropriation shall not be transferred
3 or expended for any other purpose. Any unexpended,
4 unobligated funds remaining from this appropriation shall
5 revert as provided by law on June 30, 2020.

6
7 (b) Two (2) at-will employee contract positions are
8 authorized to the supreme court for chancery court personnel
9 to implement this act. These positions shall be authorized
10 for the period beginning with the effective date of this act
11 and ending June 30, 2020.

12
13 (c) To enable the initiation of the chancery court,
14 three (3) full-time equivalent positions are authorized to
15 the supreme court for information technology and other
16 positions as determined by the court necessary to implement
17 the provisions of this act. These positions are authorized
18 beginning with the effective date of this act and ending June
19 30, 2020.

20
21 (d) From the funds appropriated in subsection (a) of
22 this section, not more than seven hundred thousand dollars

1 (\$700,000.00) shall be expended for salaries and benefits for
2 the positions authorized in this section.

3
4 (e) No positions authorized in this section and no
5 funding provided in this section shall be included in the
6 supreme court's standard 2021-2022 biennial budget. The
7 supreme court may include in an exception budget request for
8 the 2021-2022 biennium such funds and positions as it
9 determines necessary to support the chancery court provided
10 by this act.

11
12 **Section 5.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law as
14 provided by Article 4, Section 8 of the Wyoming Constitution.

15
16 (END)